

EXPLANATORY NOTE

Planning Agreement

152- 190 Rowe Street, Eastwood, NSW

3-5 Rutledge Street, Eastwood NSW

1 Introduction

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Planning Agreement (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*, prepared in connection with Development Application LDA 2016/0378 (**Development Application**).

This Explanatory Note has been prepared jointly by the parties to the Planning Agreement as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

Contributions under sections 7.11 and 7.12 of the Act are excluded under the Planning Agreement.

In this Explanatory Note, capitalised terms have the meaning given to those terms in the Planning Agreement unless otherwise defined.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (a) Council of the City of Ryde ABN 81 621 292 610 (**Council**); and
- (a) Yuhu Property (Australia) Pty Ltd ABN 68 163 794 296 (**Owner**).

3 Description of the Land

The Planning Agreement applies to:

- Lots 1, 2 and 3 in Deposited Plan 1082714, Lots 1 and 2 in Deposited Plan 15579, Lot 1 in Deposited Plan 315919, Lot 1 in Deposited Plan 583398 and Lot A in Deposited Plan 342118 and known as 152-160 Rowe Street, Eastwood NSW;
- Lot 2 in Deposited Plan 583398 and known as 168 Rowe Street, Eastwood NSW;
- Lot 1 in Deposited Plan 105344 and known as 170 Rowe Street, Eastwood NSW;
- Lots 1 and 2 in Deposited Plan 211809 and known as 172-176 Rowe Street, Eastwood NSW;
- Lot 1 in Deposited Plan 173607, Lot 7 in Deposited Plan 656027 and Lot A in Deposited Plan 317789 and known as 178-180 Rowe Street, Eastwood NSW;
- Lot 8 in Deposited Plan 1098697 and known as 186 Rowe Street, Eastwood NSW;

- Lot 1 in Deposited Plan 331280 and known as 188 Rowe Street, Eastwood NSW;
- Lot 201 in Deposited Plan 1134152 and known as 190 Rowe Street, Eastwood NSW; and
- Lot A in Deposited Plan 374497 and Lot Pt25 in Deposited Plan 4231 and known as 3-5 Rutledge Street, Eastwood NSW,

(collectively, referred to as the **Land**).

4 Description of the Proposed Development

The Owner seeks to carry out the mixed use redevelopment on the Land in accordance with the Development Application that is being evaluated by Council, comprising:

- (a) mixed use development to enable a range of land uses, including:
 - (i) retail and commercial uses at Lower Ground and Ground Levels;
 - (ii) 409 residential apartments across the upper levels of all buildings;
 - (iii) four (4) levels of commercial office space retail tenancies;
 - (iv) four (4) levels of basement car parking and loading to service all activities on the site;
 - (v) two (2) new open air through site pedestrian links between Rowe Street and Rutledge Street and a publicly accessible market hall;
 - (vi) new vehicle access arrangements; and
 - (vii) Landscape works
- (b) site preparation works including demolition, remediation and rehabilitation and bulk earth works on the Land,

(described in this Explanatory Note as the **Development**).

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

The objective and nature of the Planning Agreement is to facilitate the delivery by the Owner of the Contributions comprising:

- (a) the dedication or transfer to the Council of 5 x 1 bedroom Apartments;
- (b) the carrying out of the Public Domain Works; and
- (c) the payment of a Monetary Contribution

(together, **Contributions**).

In order to secure the obligations of the Owner under the Planning Agreement, the terms of the Planning Agreement require the provision of security in the form of a Bond or Bank Guarantee for the amounts stipulated in the Planning Agreement.

Contributions under sections 7.11 and 7.12 of the Act are excluded under the Planning Agreement. Contributions under section 7.24 of the Act are not excluded.

6 Assessment of the merits of the Planning Agreement

6.1 How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement provides for the delivery of the Public Domain Works to meet the needs of the people who will live and work in, or visit the locality once the Development is complete. The provision of these items will promote the social and economic welfare of the community. In doing so, the Agreement promotes the following objects of the Act:

- (a) to promote the orderly and economic use and development of land (section 1.3(c)); and
- (b) to promote good design and amenity of the built environment (section 1.3(g)).

6.2 How the Planning Agreement promotes the objects of the Local Government Act 1993 (LG Act) and the elements of the Council's charter

The Planning Agreement promotes the exercise by Council of its functions in accordance with the guiding principles set out in Chapter 3 of the LG Act because it will assist Council to provide services and facilities appropriate to the current and future needs of the local community and wider public.

The Council's strategic planning for Ryde envisions an attractive, vibrant and sustainable urban place which provides quality residential and commercial developments complimented with enhanced pedestrian, bike and road access.

In summary, the Planning Agreement promotes the Council's charter by ensuring the delivery of the public benefits under the Planning Agreement which in turn satisfy the following aspects of Council's charter under the LG Act:

- (a) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers (section 8A(1)(b));
- (b) Councils should plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community section 8A(1)(c); and
- (c) Council should work with others to secure the appropriate services for local community needs (section 8A(1)(g)).

6.3 The impact of the Planning Agreement on the public or any section of the public.

The scope of the Planning Agreement will benefit the local and wider community as it will improve the amenity of the public domain by providing community facilities.

6.4 Whether the Planning Agreement conforms with Council's capital works program

The scope of the Planning Agreement is consistent with Council's capital works program.

6.5 The planning purpose or purposes of the Planning Agreement

The public purpose of the Planning Agreement is the provision of public amenities and public services. It will provide a public benefit in terms of improving pedestrian circulation in the vicinity of the Land and the provision of improved public facilities to service the Development

and the wider public. The Contributions to be delivered under the Planning Agreement will ensure that there is sufficient facilities and infrastructure for the Development, producing a good planning outcome from the Development of the Land. As it would be difficult to obtain these public benefits through other statutory means, the Planning Agreement is the most suitable means of achieving that purpose.

6.6 Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates

The Contributions under the Planning Agreement must be provided in accordance with the timing provisions as set out in Schedule 3 of the Planning Agreement and which include requirements before the issue of construction certificates, occupation certificates and subdivision certificates. Details of the proposed timing for the delivery of the Contributions are set out in the Annexure to this Explanatory Note.