

Explanatory Note

Voluntary Planning Agreement

1-20 Railway Road and 50 Constitution Road, Meadowbank

Environmental Planning & Assessment Regulation 2021 (clause 205)

1. Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the Voluntary Planning Agreement (**Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*.

The Planning Agreement will require road works, the dedication of road land in accordance with the Contributions Schedule contained in the Planning Agreement and in connection with the proposed development of the site known as 1-20 Railway Road and 50 Constitution Road, Meadowbank. The Planning Agreement specifies the public benefits to be provided by the Developer in connection with the development.

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

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

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

2. Parties

The parties to the Planning Agreement are City of Ryde Council (**Council**) (ABN 81 621 292 610), Sasco Developments Pty Limited (**Sasco**) (ACN 096 524 195) and Shepherds Bay Holdings Pty Ltd (**Landowner**) (ACN 617 579 655).

3. Description of subject land

The Planning Agreement applies to the following titles, commonly known as 1-20 Railway Road and 50 Constitution Road, Meadowbank (**Land**):

- Lots 1 to 8 DP 13637;
- Lots 4-5 DP 7533;
- Lots 9-11 DP 7533;
- Lots 1-2 DP 384872;
- SP35053, including Lots 1-3 and the common property SP 35053.

4. Description of the Development Application to which the Planning Agreement applies

The Planning Agreement relates to approved Development Application LDA2020/199 for demolition of existing structures and construction of a mixed use development comprising four x 6 to 7 storey buildings containing 133 apartments, 162 boarding rooms and commercial floor space area with basement parking (**Development**).

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

The objective of the Planning Agreement is to provide contributions for public purposes in connection with development.

The public benefit to be provided under the Planning Agreement includes the dedication of land along Faraday Lane and Underdale Lane and associated road works so as to facilitate road widening and new the connection of Faraday Lane to Constitution Road. These works will improve traffic circulation within the locality and Meadowbank Town Centre.

In order to secure the obligations of the Developer under the Planning Agreement, the Planning Agreement requires the provision of bank guarantees on the grant of any Development Consent for the Development and before the issue of a Construction Certificate for the Development.

The security for the delivery of the contributions will be adjusted to account for indexation in accordance with increases in the consumer price index.

6. Assessment of the Merits of the Planning Agreement

How the Planning Agreement Promotes the Objects of the Act and the public interest

The Planning Agreement will contribute to the provision of public roads and pedestrian paths to meet the needs of the people who will live, work or visit the locality once the Development is complete. Additionally, the Planning Agreement will facilitate a greater interconnectivity and function of the roads surrounding the Development via the new connection between Faraday Lane and Underdale Lane. In doing so, the Agreement promotes the following objects of the Act:

- (a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (1.3(a) EP&A Act).
- (b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment (1.3(b) EP&A Act).
- (c) To promote the orderly and economic use and development of land (s1.3(c) EP&A Act).
- (d) To promote good design and amenity of the built environment, (1.3(g) EP&A Act).

The delivery of the roads, public paths and other contributions under the Planning Agreement will be in the public interest because that contribution will be used towards the provision of public amenities and facilities, such as public roads, pedestrian paths. The provision of these items will promote the social and economic welfare of the community.

The Planning Purposes served by the Planning Agreement

The Planning Agreement will provide a major public benefit in terms of the provision of public open space and an improved transport network to service the Development and the surrounding area. The Contributions to be delivered under the Planning Agreement will contribute to providing appropriate facilities and infrastructure for the Development, producing a good planning outcome for the Development of the Land. The Planning Agreement facilitates the delivery of long term road network upgrades within the precinct in line with Council's adopted development strategy.

How the Planning Agreement promotes the objectives of the Local Government Act 1993 and the elements of the Council's Charter (now section 8A)

The Planning Agreement promotes the objects of the *Local Government Act 1993* because it will give Council the ability to provide goods, services and facilities and to carry out activities, appropriate to the current and future needs of local communities and of the wider public.

The Planning Agreement will provide appropriate public infrastructure for the benefit of the community in the area of the Development.

The Planning Agreement enables Council to provide public infrastructure and improve public domain areas and transport networks, the Planning Agreement is consistent with the following guiding principles for councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter):

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.

- Councils should 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.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

The Council's strategic planning for the Meadowbank area seeks to provide enhanced pedestrian and vehicular movement via improved road access. The Planning Agreement is consistent with this strategic plan for the area.

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

The Planning Agreement specifies for the following to be complied with prior to the issue of a construction certificate:

- a) The Developer must provide construction drawings for the relevant item of Works to Council; and
- b) The security/guarantee for the undertaking of road works under the Planning Agreement (to be provided prior to the issue of the first Construction Certificate for works above ground level).
- c) Works to be completed prior to the issue of a Construction Certificate.