

EXPLANATORY NOTE

Planning Agreement

312 Victoria Road, Gladesville, 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 2017/0312 (**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 section 7.11 of the Act are not 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) Buildex Gladesville Pty Ltd ABN 53 606 547 460 (**Owner**).

3 Description of the Land

The Planning Agreement applies to Lot 100 in Deposited Plan 771721 and known as 312 Victoria Road, Gladesville, NSW being the land comprised in certificate of title folio identifier 100/771721 (**Land**).

4 Description of the Approved Development

The owner seeks to carry out the mixed use redevelopment on the Land in accordance with the LDA 2017/0312 lodged with the Council on 21 August 2017 and as approved, subject to a deferred commencement consent dated 12 October 2018, comprising:

- (a) mixed use redevelopment to enable a range of land uses, including 50 residential dwellings and two (2) retail tenancies;
- (b) construction of a seven (7) storey mixed use development with a maximum height of 23.3m and a maximum floor space ratio of 2.3:1;
- (c) three (3) basement levels accommodating 73 car parking spaces for the residential and retail uses, 19 bicycle spaces, garbage storeroom, garbage collection area and plant rooms
- (d) removal of eight (8) trees; and

- (e) construction of an extension of Gerard Lane through the site to the north-western site boundary.

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

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

The objective of the Planning Agreement is to facilitate the delivery by the Developer of the Contributions comprising:

- (a) the carrying out of the Road Land Works and dedication of the Road Land as public road;
- (b) the carrying out of the Public Domain Works; and
- (c) remediation of the Road Lane where required in accordance with the recommendations of the relevant contamination assessment.

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

The public benefits to be provided under the Planning Agreement are summarised as follows:

- i. Construction of part of Gerard Lane, estimated total construction cost at approx. \$174,926.00
- ii. Dedication of Land for Part of Gerard Lane, estimated value of \$257,000 if FSR transferred to additional part storey (\$1,030,000 if acquired without FSR transfer)

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 community infrastructure and a public road to meet the needs of the people who will live, work or visit the locality once the Development is complete.

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 infrastructure 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 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
- (b) 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 local roads.

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. The extension of Gerard Lane is identified in Council's Development Control Plans for completing the road network within Gladesville to create improved access for servicing properties.

6.5 The planning purpose or purposes of the Planning Agreement

The public purpose of the Planning Agreement is the provision of infrastructure that will provide a public benefit in terms of improving pedestrian circulation and the amenity of the public domain in the vicinity of the Land. The Contributions to be delivered under the Planning Agreement will ensure that there is sufficient 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, being the Contribution Works and the transfer / dedication of the Contribution Land, must be provided in accordance with the timing provisions as set out in Schedule 3 of the Planning Agreement. Details of the proposed timing for the delivery of the Contributions are set out in the Annexure to this Explanatory Note.