

EXPLANATORY NOTE PURSUANT TO CLAUSE 25E OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

14-26 WATTLE STREET, PYRMONT

Development Application No. D/2019/649

Background

On 21 May 2021, the Land and Environment Court granted consent for a development application at 14-26 Wattle Street, Pyrmont (**Land**).

The development application is for a concept proposal comprising demolition of the existing buildings, removal of trees, and a mixed-use development comprising residential, commercial, childcare and recreational uses.

A condition of the consent requires that a Planning Agreement between the Council of the City of Sydney (**Council**) and Landream Pyrmont Pty Limited (**Developer**) shall be drafted, exhibited, executed and submitted to Council to capture the works within the letter of offer dated 15 April 2021. The Planning Agreement, as executed, must be registered on the title of the Land.

The purpose of this explanatory note is to provide a summary to support the notification of a Planning Agreement, under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**Act**).

This explanatory note has been prepared jointly by the parties as required by Cl 25E of the *Environmental Planning and Assessment Regulation 2000* (**Regulation**).

The public benefits do not in any way exclude the developer or owner (as the case may be) from paying monies under s.7.11, 7.12 or 7.24 of Act.

This explanatory note is not to be used to assist in construing the Planning Agreement.

1. Parties to the Planning Agreement

The parties to the Planning Agreement are Landream Pyrmont Pty Ltd (**Developer**) and the Council of the City of Sydney (**Council**).

2. Background to the Planning Agreement

A consent condition of development application D/2019/649 requires a Planning Agreement between Council and the Developer to secure a new footway and public access easement along the Jones Street frontage of the Land.

3. Summary of the Objectives, Nature and Effect of the Proposed Agreement

The objective of the Planning Agreement is to secure public benefits in connection with the Development Application for the Land.

The nature of the Planning Agreement is to secure a new footway and public access easement along the Jones Street frontage of the Land.

4. Assessment of the Merits of the Proposed Agreement

(a) How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement promotes the objects of the Act, in particular objects identified in Section 1.3(c) and 1.3(g) of the Act which is to promote the orderly and economic use and development of land and to promote good design and amenity of the built environment. The Agreement will provide infrastructure which will support and service the existing and future population.

(b) How the Planning Agreement promotes the elements of the Council's charter

The Planning Agreement promotes a number of elements of the Council's charter under section 8 of the *Local Government Act 1993* (NSW). In particular, the Planning Agreement through the delivery of the public benefits allows Council to:

- (i) provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- (ii) exercise community leadership;
- (iii) properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- (iv) engage in long-term strategic planning on behalf of the local community; and
- (v) keep the local community and the State government (and through it, the wider community) informed about its activities.

(c) The impact of the Planning Agreement on the public or any section of the public

The Planning Agreement will benefit the public as it will improve access to the proposed development and infrastructure in the immediate vicinity of the site.

(d) Whether the Planning Agreement conforms with Council's capital works program

The Planning Agreement conforms with Council's capital works program.

(e) The planning purpose or purposes of the Planning Agreement

The Planning Agreement will serve the planning purpose by improving access to the proposed development and enhancing the public domain to reflect the changing nature of the area and the needs of the anticipated incoming population.

(f) Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates.

The following requirements of the Agreement must be complied with before:

- (i) **A construction certificate is issued:** Payment of Guarantee Amount must be made prior to the Construction Certificate for construction of the Jones Street Building.
- (ii) **An occupation certificate is issued:**

- Developer's Works - Completion of the Jones Street Footpath Works before the issue of the first Occupation Certificate for the Jones Street building, unless otherwise agreed with the Council.
- Transfer Land - Acquisition of the Transfer Land, being the extent of public road land adjoining the Land that will be required for the Jones Street Footpath Works no later than before the issue of the Occupation Certificate for the Jones Street Building.
- Easement - Registration of an easement for public access by pedestrians and cyclists, or where vehicular access is required by legislation over the Transfer Land prior to the issue of the Occupation Certificate for the Jones Street Building.

(iii) A subdivision certificate is issued: Nil.