EXPLANATORY NOTE PURSUANT TO SECTION 205 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

600-660 ELIZABETH STREET, REDFERN

State Significant Development Application No. SSD-51274973

Background

In August 2024, a State Significant Development Application was lodged with the Department of Planning, Housing and Infrastructure by Bridge Housing on behalf of Homes NSW seeking approval the detailed design, construction and operation of a mixed use development comprising four new buildings that provide affordable and social housing, specialist disability accommodation, as well as commercial and community uses on land at 600-660 Elizabeth Street, Redfern (**Land**).

The proposed development comprises the demolition of the existing PCYC buildings and associated structures, tree removal, bulk earthworks including excavation, construction of a three storey community facility building, construction of two residential flat buildings up to 14 and 10 storeys respectively comprising a mixture of social and affordable housing, construction of a five storey mixed-use building comprising commercial uses on the ground level and social and specialist disability accommodation above, construction of a basement level below the residential and mixed use buildings, and site-wide landscaping and public domain works including north-south and east-west pedestrian through-site link and dedications for footpath widening along Elizabeth Street and Phillip Street. (**State Significant Development Application**).

A public benefit offer was made by the property owner and developer to enter into a Planning Agreement in relation to the State Significant Development Application for the dedication and embellishment of footway widenings to Elizabeth and Phillip Streets, and the creation of easement for public access over the site from Kettle Street to Phillip Street and from Walker Street to Elizabeth Street.

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 Section 205 of the *Environmental Planning and Assessment Regulation 2021* (**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 Division 7.1, Subdivision 4 of the 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 Bridge Living Limited (**Developer**), New South Wales Land and Housing Corporation (**Landowner**) and the Council of the City of Sydney (**Council**).

2. Background to the Planning Agreement

In February 2022, the planning controls for the site were amended to facilitate a mixed tenure redevelopment and deliver diverse housing. A site-specific Design Guide accompanied the changes to the Sydney LEP 2012, which establishes more detailed guidance for the redevelopment of the site. The footway widenings and through site links identified in the Design Guide aim to deliver a legible and permeable pattern of new internal access ways, create a fine-grained pattern of development Sections and widen narrow footpaths on Elizabeth and Phillip Streets

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 2m footway widening to Elizabeth Street, a 1.2m wide footway widening to Phillip Street, and 10m wide easement for public access to the north-south through site link from Kettle Street to Phillip Street and the 6m wide east-west through site link from to Walker Street to Elizabeth Street. The easement will be limited in depth to the surface of the through site link and unlimited in height.

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 the 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 a contribution towards community infrastructure which will support and service the existing and future population and will contribute to greater amenity and infrastructure of those areas.

(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) bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible;

(v) engage in long-term strategic planning on behalf of the local community; and

(vi) 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 and local community as it will improve community infrastructure in the immediate vicinity of the site.

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

Yes. 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 enhancing the public domain and local infrastructure to reflect the changing nature of the area and the needs of the anticipated incoming population.

It is considered that the Planning Agreement provides for a reasonable means by which to achieve these planning purposes given the extent of the statutory tools that are available to Council by which it can deliver the proposed public benefits.

(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: Provision of the Bank Guarantee

(ii) An occupation certificate is issued: Dedication and embellishment of the footway widenings to Elizabeth and Phillip Streets and creation and registration of the Instruments for the Easement for Public Access

(iii) A subdivision certificate is issued: Nil