

Appendix: Explanatory Note

(Clause 38)

Environmental Planning and Assessment Regulation 2021

(Section 205)

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Council

Randwick City Council ABN 77 362 844 121 of 30
Frances Street, Randwick NSW 2031

Developer

Kingsford Parade Pty Ltd ACN 654 925 096 of 311-
315 Anzac Parade, Kingsford NSW 2032

Description of the Land to which the Draft Planning Agreement Applies

Lot 1 DP 1324030, (formerly Lot 1002 DP 668944 and Lot 1 DP 10185).

Description of Proposed Development

The Development is for the demolition of the existing structures and the construction of a new part 4, part 9 storey co-living housing development with ground floor retail and a single basement level containing parking, shared parking, bicycle and motor bike parking and ancillary services, in accordance with the Development Application granted on 17 September 2024 (DA/731/2023) and as amended on 19 December 2025 (DA/731/2023/A).

Description of Development Contributions

The Developer proposes to provide carry out the Developer Works to construct public infrastructure to the value of \$281,223.75, and make monetary contributions in relation to affordable housing.

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

Objectives of Draft Planning Agreement

The objectives of the Draft Planning Agreement are:

- to secure the provision by the Developer of community enhancement to address the likely impacts of the Development, and
- to secure public benefits in connection with the Development.

Nature of Draft Planning Agreement

The Planning Agreement is an agreement between the Council and the Developer under 7.4 of the EPA Act that is entered into in connection with the Development carried out in accordance with Development Consent DA/731/2023/A. It is a voluntary agreement, under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4 of the Act).

Effect of the Draft Planning Agreement

The Planning Agreement:

- requires the Developer to undertake the Developer Works for a public purpose;
- requires the Developer to pay top-up monetary contributions if the value of the Developer Works is less than \$281,223.75,
- requires the Developer to pay monetary contributions for affordable housing,
- does not exclude the application of sections 7.11, 7.12 or Division 7.1; Subdivision 4 of the Act to the Development;
- is to be registered on the title to the Land;
- imposes restrictions on the Developer transferring the Land or part of the Land, or assigning an interest under the Planning Agreement;
- provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination; and,
- provides that the agreement is governed by the law of New South Wales.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Planning Agreement applies; and,
- enables the delivery of public infrastructure.

The Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to design and construct public infrastructure for public purposes, in accordance with the Council's Applicable Contributions Plan.

How the Draft Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by:

- promoting the objects of the Act set out in sections 1.3(a), (c), (d), (e) and (j);
- acting as an example of Council working with the Developer to secure appropriate amenities and infrastructure for local community needs; and,
- enabling the provision of infrastructure for the benefit of the public.

Assessment of the positive or negative impact of the Draft Planning Agreement on the public or relevant section of the public

The Planning Agreement has a positive impact as a result of the public benefits to be provided under the Planning Agreement, with no negative impact on the public or any section of the public as far as the Council is aware.

Whether the Draft Planning Agreement Conforms with the Planning Authority's Capital Works Program

The Planning Agreement is not inconsistent with the Council's Capital Works Program.

Whether the Draft 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 that the Developer Works (and any top-up monetary contribution for works) must be provided before the issue of any Occupation Certificate for the Development, and that the monetary contributions for affordable housing must be provided before the issue of any Construction Certificate for the Development.