

Explanatory Note

96 – 100 & 102 – 104 Ebley Street, Bondi Junction Development Application No. DA-421/2020/E

(Section 205 of the Environmental Planning and Assessment Regulation 2021)

Planning Agreement

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

This explanatory note has been prepared in accordance with clause 205 of the *Environmental Planning and Assessment Regulation 2021*.

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

1 Parties

The parties to the Planning Agreement are Waverley Council (**Council**) and SCD East Pty Ltd (ACN 639 367 730) and Stephen D'Eresby Davidson referred to collectively as the Developer (**Developer**).

2 Description of subject land

The land to which the Planning Agreement applies is the whole of the land being Lot 1 in DP 733362 and Lot 1 in DP 568524 known as 96 – 100 and 102 – 104 Ebley Street, Bondi Junction (**Land**).

Stephen D'Eresby Davidson is the registered proprietor of the Land.

3 Description of Development

The proposed development comprises demolition of existing building and construction of a mixed use building with modifications to approved mixed use building, including consolidating plant and equipment on the roof, altering internal layout, façade changes various other changes in DA-421/2020/E (**Development**).

4 Background

The Developer entered into a planning agreement with Council to make a monetary contribution to be used for a public purpose in respect to DA421/2020B, and has paid a development contribution of \$946,400 in respect to that planning agreement. On 8 July 2025 the Developer caused Development Application DA-421/2020/E (**Development**

Application) to be lodged. On 23 September 2025 an offer was made on behalf of the Developer to enter into a further planning agreement (which was clarified by letter dated 23 January 2026), as the Development Application provided for additional floor space, which exceeds floor space controls permitted for such buildings under Council's Planning Controls. Development Consent was granted on 8 October 2025.

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

The objective of the Planning Agreement is to secure a public benefit in connection with the Development Application so that the Development delivers a community benefit.

The Planning Agreement requires the Developer to pay to Council a monetary contribution in the amount of \$119,600.00 to be applied towards delivery of the Waverley Bike Strategy and the Draft Waverley Walking Strategy. The monetary contribution is payable to Council prior to any Occupation Certificate issuing for any part of the Development upon the subject Land.

The Planning Agreement is a binding relationship between Council and the Developer. The Planning Agreement requires the Developer to comply with certain requirements including registration of the Planning Agreement, provision of a Bank Guarantee and registration of a Caveat. The Planning Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

The Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development and the monetary contribution is not to be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

The effect of the Planning Agreement is a monetary contribution towards the delivery of the Waverley Bike Strategy and the Draft Waverley Walking Strategy.

6 Assessment of the merits of the Planning Agreement

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

The Planning Agreement promotes the objects of the Act, in particular Section 1.3(a) of the Act, which is 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. The objects are satisfied as the Planning Agreement secures a monetary contribution towards works identified in the delivery of the Waverley Bike Strategy and Draft Waverley Walking Strategy which will improve connectivity and enhance local community spaces. The Waverley Bike Strategy and Waverley Walking Strategy vision is for safe, practical and viable bike riding and pedestrian friendly options to be integrated within Council's broader streetscape improvements. In addition, the proposed infrastructure works will facilitate a connected, vibrant, cultural and

local community life that meets community expectations and supports local economies.

Public and local interest is promoted by virtue of the Planning Agreement because it assists Council in funding delivery of works that provide quality infrastructure and transport alternatives which will encourage business within and development of the precinct as an active, vibrant community, making the local area more liveable, sustainable and equitable for everybody in the community, now and into the future.

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

The Planning Agreement will benefit the public and local community as it seeks to secure funds for infrastructure to facilitate bike riding and walking which will positively affect the social and economic wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contribution under the Planning Agreement.

There is considered to be no negative impact on the public arising from the Planning Agreement.

(c) The planning purpose(s) served by the Planning Agreement

The Planning Agreement facilitates the provision of public amenities. In addition, the Planning Agreement facilitates the conservation or enhancement of the environment. Public amenities and conservation or enhancement of the environment are public purposes under Section 7.4(2) of the Act. The Planning Agreement also facilitates the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land which is a public purpose under Section 7.4(2).

The Planning Agreement implements Council policy and legislative provisions around, public amenities, local infrastructure and enhancement of the environment.

(d) How the Planning Agreement promotes the guiding principles for Councils (previously referred to as Council's Charter) under section 8A of the Local Government Act 1993

The Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for well maintained and functional open space/recreational areas within the public areas and connectivity

in its local government area, through its infrastructure. The Council is also aware of how its decisions and policies impact on seeking to fulfil these needs.

The Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

In addition, the Planning Agreement is a means by which the Council can exercise community leadership in areas of concern to the local and wider community, being planning for accessible, sustainable, healthy, active and liveable communities

(e) Whether the Planning Agreement conforms with the Council's Capital Works Program

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

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

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

- (i) An occupation certificate is issued:** payment of the monetary contribution.
- (ii) A subdivision certificate is issued:** Not applicable.