

DEED OF VARIATION OF PLANNING AGREEMENT

Inner West Council
ABN 19 488 017 987

and

Eranna Development Pty Ltd
ABN 44 638 578 588

and

Eranna Pty Ltd
ACN 638 515 349

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DEED OF VARIATION OF PLANNING AGREEMENT is made on 2025.

BETWEEN:

- (1) **Inner West Council** ABN 19 488 017 987 of Leichhardt Service Centre, 7-15 Wetherill Street, Leichhardt NSW 2000 (**Council**);
- (2) **Eranna Development Pty Ltd** ABN 44 638 578 588 of 447-451 Parramatta Road, Leichhardt NSW 2040 (**Developer**); and
- (3) **Eranna Pty Ltd** ACN 638 515 349 of 447-451 Parramatta Road, Leichhardt NSW 2040 (**Owner**).

RECITALS

- A. The Developer, the Owner and the Council are Parties to the VPA in respect of the Land.
- B. Since entering into the VPA, the Developer has lodged a modification to the Modification of the Development Application with Council in respect of the Land.
- C. The Developer and the Council agree to vary the VPA in accordance with the Deed.

The parties agree, in consideration of, among other things, the mutual promises contained in this Deed as follows:

OPERATIVE PART

1. Definitions and interpretation

1.1 Definitions

The following definitions apply in this Deed, unless the context requires otherwise.

Commencement Date means the date that this Deed is executed by the parties.

Deed means this deed of variation.

Regulation means the *Environmental Planning and Assessment Regulation 2021* (NSW).

Schedule means the schedule to this Deed.

VPA means the Planning Agreement dated 11 July 2023 with Land

1.2 Definitions in the Deed

Words and phrases defined in the VPA have the same meaning when used in this Deed, unless a contrary intention appears.

1.3 Interpretation

Clause 1.2 of the VPA applies to the interpretation of this Deed.

2. Amendments

- (a) With effect on and from the Commencement Date, and in accordance with clause 203 of the Regulation the VPA is amended as set out in the Schedule.
- (b) This Deed is not a planning agreement within the meaning of section 7.4 of the *Environmental Planning & Assessment Act 1979* (NSW).

3. Confirmation and acknowledgement

- (a) With effect on and from the Commencement Date, the parties are bound by the VPA as amended by this Deed.
- (b) Except as specifically amended by this Deed, all terms and conditions of the VPA remain in full force and effect.
- (c) If there is a conflict between the VPA and this Deed, the terms of this Deed prevail.
- (d) Nothing in this Deed:
 - (i) prejudices or adversely affects any right, power, authority, discretion or remedy which arose under or in connection with the VPA before the date of this Deed; or
 - (ii) discharges, releases or otherwise affects any liability or obligation which arose under or in connection with the VPA before the date of this Deed.
- (e) The Appendix contains the Explanatory Note relating to this Deed required by clause 205 of the Regulation.

- (f) The Parties agree that the Explanatory Note is not to be used in construing this Deed.

4. General

4.1 *Governing law*

New South Wales law governs this VPA. The parties submit to the exclusive jurisdiction of the courts of New South Wales.

SCHEDULE 2

(clause 2)

The amendments to the relevant clauses or schedules of the VPA appear below.

1. Schedule 1 – Item 5A add the words “MOD/2024/0279”.
2. Schedule 3 – Item 1 - Heading – Additional Specifications - 1(b) after the word “incorporating” delete the words and number “2 metre wide” and replace with the words and numbers “ variable with 1450 to 1600mm wide in accordance with drawing DA801”.
3. Schedule 3 – Item 3 – Heading – Public Benefit – 3 – after the words “public stairs” delete the words and number “2 metres wide” and replace with the words and numbers “ 1450 to 1600mm wide in accordance with drawing DA801”.
4. Annexure A – delete the PBD Architects drawing Voluntary Planning Agreement (VPA) plan - DA 801 Issue BB and replace with DA 801 Issue FF dated 01.08.2024 at Annexure A.
5. Annexure A – delete the PBD Architects drawing – VPA Elevation and Sections plan – DA 802 Issue BB and replace with DA 801 Issue EE dated 01.08.2024 at Annexure A.
6. Annexure A include the brochure and specification ORONA 3G X-11.

ANNEXURE A
Plans

11. Update external finishes
12. Update external path, ramp and stairs for Voluntary Planning Agreement
13. Update internal unit layout



NOTES:

- ALL WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES, LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS.
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND SET BEFORE COMMENCING WORK. SHOULD A DISCREPANCY BE IDENTIFIED PLEASE CONSULT WITH ARCHITECT PRIOR TO PROCEEDING. DO NOT SCALE FROM DRAWINGS.
- COPIES OF THIS DRAWING SHOULD BE KEPT BY THE OFFICE AND ARCHITECT & REMAIN FOR THE ARCHITECT'S USE.
- DRAWINGS FOR THE PURPOSES OF 24 HOURS, PORTABLE COUNCIL CASEY AUTHORITY INFORMATION WILL BE REQUIRED AT THE STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS.
- LOCAL COUNCIL CASEY AUTHORITY INFORMATION WILL BE REQUIRED AT THE STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS.
- AREA SCHEDULES SHOWN ARE APPROXIMATE ONLY. FUTURE ALLOWANCES FOR VERTICAL SURFACE DRAIN, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED.
- REFER TO BROAD REPORT FOR FURTHER DETAILS.

LEGEND:

AW	ALUMINUM	LY	LOUVERED PANELS	PG	PLATFORM LANDING TO
PA	PAVED ALUMINUM	NA	NOSE PAVED ACCESS	LA	LANDSCAPE ARCHITECT'S DETAIL
PM	PAVED MASONRY	AP	ALUMINUM SLATED FENCE & GATE	RM	ROOFED WALL, SELECTED PANEL
PP	PAVED PAVING	OP	OPENING LANDING	PM	PLATFORM MASONRY
PT	PAVED TERRACE	PL	PLATFORM LANDING TO PLATFORM	ST	STREET LIGHT
PS	PAVED STAIR	PS	PAVED STAIR	ST	STREET LIGHT
PL	PAVED LANDING	PS	PAVED STAIR	ST	STREET LIGHT
PL	PAVED LANDING	PS	PAVED STAIR	ST	STREET LIGHT

AMENDMENT LEGEND:

1	PROPOSED AMENDMENT FOR NUMBER
2	PROPOSED AMENDMENT FOR NUMBER
3	PROPOSED AMENDMENT FOR NUMBER
4	PROPOSED AMENDMENT FOR NUMBER
5	PROPOSED AMENDMENT FOR NUMBER
6	PROPOSED AMENDMENT FOR NUMBER
7	PROPOSED AMENDMENT FOR NUMBER

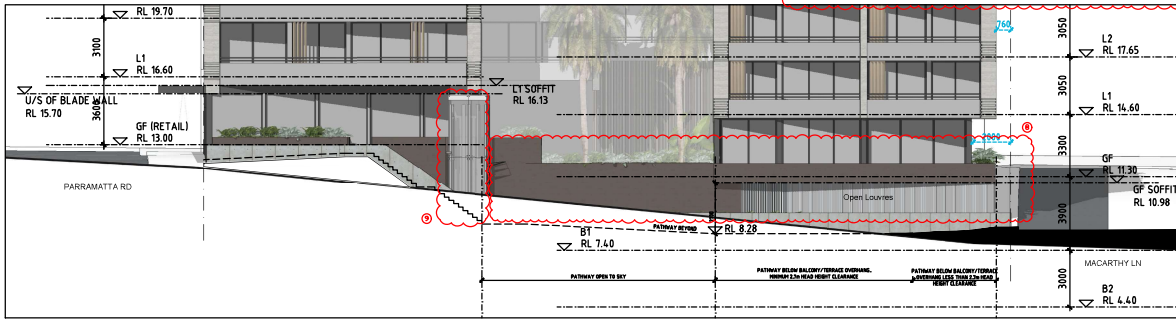
AMENDMENT LIST:

1. Update basement and ground level service room including residential lift, commercial lift, bulky waste and commercial storage room.
2. Additions of new units.
3. Additions of new units.
4. Update retail and commercial units, entry door, shop front and service entrance.
5. Update driveway ramp and additional open area.
6. Update parking area and additional open area.
7. Update project data/information to self-proposed amendments.

4. Update external facade.

5. Update external gate, ramp and stairs for Mandatory Planning Agreement.

6. Update internal and layout.



EAST ELEVATION

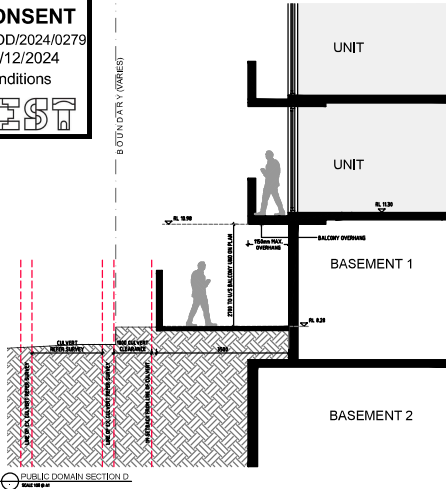
DEVELOPMENT CONSENT

Determination Number: MOD/2024/0279

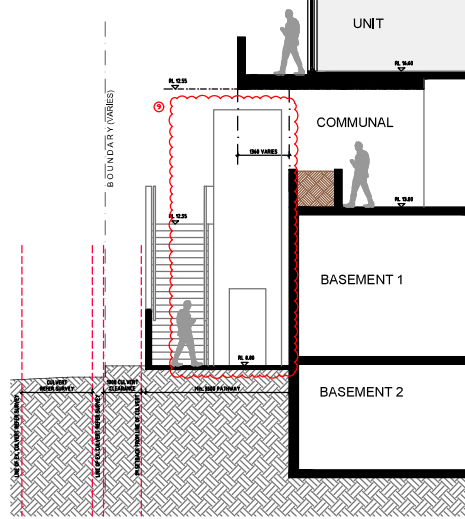
Determination Date: 10/12/2024

Subject to attached conditions

INNER WEST



PUBLIC DOMAIN SECTION D



PUBLIC DOMAIN SECTION E

DEVELOPMENT APPLICATION

PROJECT: 1-13 PARRAMATTA ROAD, ANNANDALE

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
1	12/12/2023	ISSUE FOR S11 AND S12	1	12/12/2023	ISSUE FOR S11 AND S12
2	12/12/2023	ISSUE FOR S11 AND S12	2	12/12/2023	ISSUE FOR S11 AND S12
3	12/12/2023	ISSUE FOR S11 AND S12	3	12/12/2023	ISSUE FOR S11 AND S12
4	12/12/2023	ISSUE FOR S11 AND S12	4	12/12/2023	ISSUE FOR S11 AND S12
5	12/12/2023	ISSUE FOR S11 AND S12	5	12/12/2023	ISSUE FOR S11 AND S12
6	12/12/2023	ISSUE FOR S11 AND S12	6	12/12/2023	ISSUE FOR S11 AND S12
7	12/12/2023	ISSUE FOR S11 AND S12	7	12/12/2023	ISSUE FOR S11 AND S12
8	12/12/2023	ISSUE FOR S11 AND S12	8	12/12/2023	ISSUE FOR S11 AND S12
9	12/12/2023	ISSUE FOR S11 AND S12	9	12/12/2023	ISSUE FOR S11 AND S12
10	12/12/2023	ISSUE FOR S11 AND S12	10	12/12/2023	ISSUE FOR S11 AND S12

DA802 VPA ELEVATION AND SECTIONS

ISSUE: EE

JOB No. 2021

PBD ARCHITECTS

100% 10/12/2024

100% 10/12/2024

100% 10/12/2024

Orona 3G

X-11

Machine-room-less electrical gearless solutions (MRLG)

Latest direct drive technology for existing buildings.

Enhanced use of available space for shafts with reduced pits and headrooms.

General specifications

Load	180 to 630 kg / 180 to 450 kg (single-phase)
Capacity	2 to 8 persons / 2 to 6 persons (single-phase)
Speed	1 m/s / 0.6 m/s (single-phase)
Maximum travel	40 m / 25 m (single-phase)
Maximum floors served	16 floors
Entrances	1 front / 2 open through / 2 front and side
Drive system	Regulated gearless
Controller	ARCA III controller, low energy consumption multiprocessor
Door types	Automatic side-opening / Automatic central-opening / Semiautomatic + Articulated (BUS)
Clear door opening	From 500 to 900 mm
Door height	2,000 / 2,100 / 2,200 mm
Car dimensions	Parametric car dimensions
Internal car height	2,000 / 2,100 / 2,200 mm
Supply	Three-phase / Single-phase
Aesthetic solutions	Orona 3G Domo Packs / Orona 3G Public Packs / Orona 3G Plus

Standard Optional



1 MRL

Compact machine-room-less solution, with optional reduced headroom version.



2 OPTIMISED PASSENGER UNIT

Saves space, reduces weight, improves safety, and improves the installation process.



3 ACCESSIBLE SPACE BELOW THE PIT

Adapts the lift to suit buildings which have an accessible space below the pit (optional).



4 TRACTION ROPES

Orona small diameter ropes replace traditional steel ropes. As a result of their lighter weight, longer lifespan and greater flexibility, it is possible to use a more compact, efficient and eco-friendly gearless machine.



5 DRIVE

Compact, quiet, gearless, energy efficient, speed regulated (VVVF) permanent magnet electric motor.



6 DOORS

Compact permanent magnet motor for fast, accurate and quiet door operation giving the most advanced performance. Advanced door opening and full height infra red door protection edges. Optional Solid Door for high flow situations.



7 AUTOMATIC RESCUE SYSTEM

With floor level indication to ensure fast, efficient and safe evacuation of passengers in the event of an emergency. As an option, the system can incorporate a fully-automatic rescue device to evacuate passengers in the event of a power failure.



8 SHAFT USABILITY

Lifts designed to take maximum advantage of the shaft space, especially in existing buildings with very reduced headrooms or pits, obtaining a good available space to number of passenger ratio.



ECO-EFFICIENCY



ADAPTABILITY



DESIGN AND ACCESSIBILITY



CONTROL AND SAFETY

Standard dimensions*

Load / capacity			Lift shaft ⁰																											
			Standard car			Entrances	Doors side counterweight				Doors rear counterweight		HF Pit			HUP ² Headroom														
							Telescopic Doors				Central Doors HH		Std.	Reduced		Std.	Reduced													
		Q	AC	FC	PL	No. of entrances	AH ¹ Width	FH ¹ Depth	TT	NN	AH ¹ Width	FH ¹ Depth		Std.	With safety space		Without safety space (EN 81-21)	Std.	With safety space	Without safety space (EN 81-21)										
	4	320 kg	825	1,100	700	1	1,200	1,350		X	-	-	1,000		830	310	3,400		3,000	2,600										
						2x180 ⁰	1,200	1,500		X	-	-																		
						2x90 ⁰	1,400	1,350		X	-	-																		
	6	450 kg	1,000	1,250	800	1	1,375	1,500		X	1,350	1,815		1,000				830			310	3,400	3,000	2,600						
						2x180 ⁰	1,375	1,650		X	-	-																		
						2x90 ⁰	1,525	1,500		X	-	-																		
	8	630 kg	1,100	1,400	800	1	1,475	1,650	X		-	-													1,000	830	310	3,400	3,000	2,600
						2x180 ⁰	1,475	1,800	X		-	-																		
						2x90 ⁰	1,625	1,650	X		-	-																		

0 Minimum plumb measurements

1 Automatic doors projecting 60 mm on the landing (TT or HH) or projecting 105 mm on the landing (NN) (always adapted to space 50 mm). Calculation for reduced headroom with safety space. For reduced headroom without safety space add 60 mm to AH

2 HUP minimum for internal car height (HC) of 2100 mm

NOTE: All of the examples are calculated with a 90 mm sill on car doors

TT - Two panel telescopic door

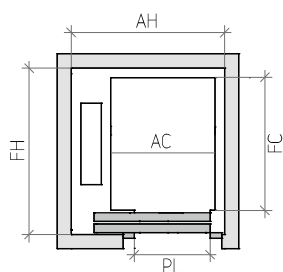
NN - Three panel telescopic door

HH - Four panel central door

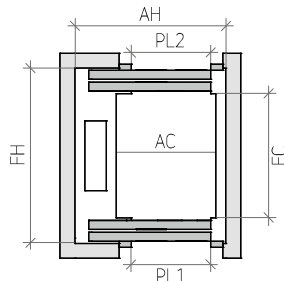
* The information is not contractually binding and is subject to the conditions of the shaft

Layout

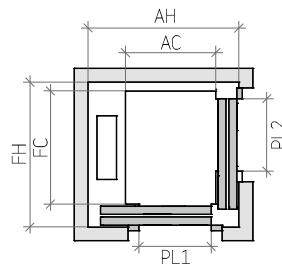
1 ENTRANCE



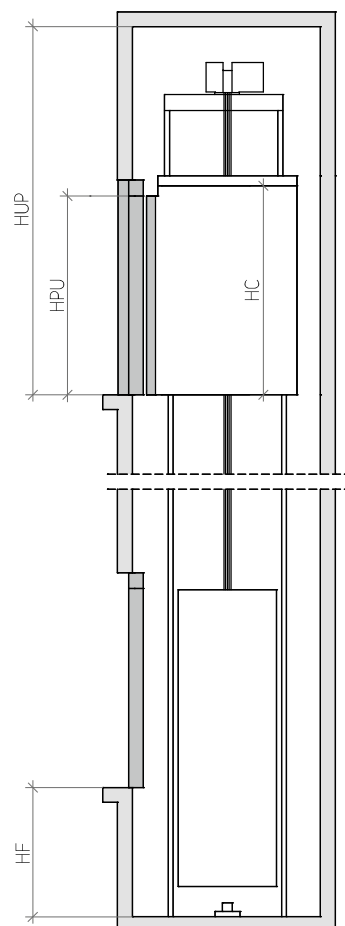
2 ENTRANCES (OPEN THROUGH)



2 ENTRANCES (FRONT & SIDE)



VERTICAL SECTION



Customised car dimensions

														Car width				
														1350				
														1300				
														1250				
														1200				
														1150				
														1100				
														1050				
														1000				
														950				
														900				
														850				
														800				
														750				
														700				
1450	1400	1350	1300	1250	1200	1150	1100	1050	1000	950	900	850		500	600	700	800	900

Car depth*

Clear door opening

Note: Car width and depth variable in increments of 5 mm. For simplification, table samples show increments of 50 mm.

* Car depth only valid in the event of side car frame.

Appendix 1 - Explanatory Note

Explanatory Note

Inner West Council
ABN 19 488 017 987

and

Eranna Development Pty Ltd

ABN 44 638 578 588

and

Eranna Pty Ltd
ACN 638 515 349

Environmental Planning and Assessment Regulation 2021

Summary

(Clause 205)

1 Parties to the Deed

The Parties to this Deed of Variation of a Planning Agreement (**Deed**) are the Inner West Council ABN 19 488 017 987 (**Council**), Eranna Development Pty Ltd ABN 44 638 578 588 (**Developer**) and Eranna Pty Ltd ACN 638 515 349 (**Owner**).

2 Description of the Subject Land

This Deed applies to:

- Lot 50 DP 456784;
- Lot 52 DP 1248353; and
- Lot 53 DP 1248353

known as 1-13 Parramatta Road Annandale NSW 2038 (**Land**), as defined in the Planning Agreement entered into between the Parties on 11 July 2023 (**Planning Agreement**).

3 Description of the Proposed Development

The Deed relates to the carrying out of the Development, as defined in the Planning Agreement.

4 Background of the Deed

The Parties entered into the Planning Agreement on 11 July 2023.

The Developer has since lodged a modification to Modification Application MOD/2022/0143 (as defined in the Planning Agreement and with original development application consent number D/2017/161), with respect to the Land, being Modification Number MOD/2024/0279 which seeks to incorporate the upgrade to the public domain lift (and resultant changes to the stairs).

The Parties, by way of this Deed, wish to amend the Planning Agreement to:

- (a) Align the delivery of various items of work to be contributed by the Developer to Council identified at Annexure A of the Planning Agreement with the Developer's architectural plans forming part of the modification to Modification Application MOD/2022/0143; and
- (b) Update the Schedule 1 Item 5A to reflect the modification to Modification Applicant MOD/2022/0143 being MOD/2024/0279.

5 Summary of Objectives, Nature and Effect of the Deed

The objective of the Deed is to amend the
Planning Agreement.

The Planning Agreement requires the
Developer to:

	Public Benefit	Attributed Value	Due date	Additional specifications
1	Transfer Land	\$ 1,000,000	After Completion but before the issue of the first Occupation Certificate for the Development.	a. An area of approximately 34 square metres at McCarthy Lane Annandale being a pedestrian footpath 760mm wide by 45 metres long; and b. a pedestrian / cycle pathway corridor through the site adjacent to Johnston's Creek 3500mm wide and 45m (length), incorporating 2 metre wide stairs, 1.5

				metre wide access ramp to the public lift and the public lift approximately 187.3 square metres. A portion of the aforementioned land will be limited in height as detailed below (c), (d) and (e). c. On the northern portion of the pedestrian / cycle pathway approximately 11.13 square metres will be limited to between RL7.6 and RL10.88. d. On the middle portion of the pedestrian/cycle pathway approximately 4.6 square metres will be limited to a depth of RL7.6. e. On the southern portion of the pedestrian / cycle pathway approximately 10 square meters will be limited to RL 15.60 Plans showing the location of the Transfer Land are contained in Annexure A to this Planning Agreement.
2.	Developer's Works Being a pedestrian / cycle path 3500mm wide and 45 metres long adjacent to Johnsons	\$135,000	Before the issue of the first Occupation Certificate for the Development.	Plans and specifications showing the nature and extent of the required Developer's Works as at the date of this Planning Agreement are contained in Annexure A to this Planning Agreement.

	Creek and lighting. Being the construction of a pedestrian footpath 30 metres long McCarthy, Lane, Annandale. Being the construction of a shared pedestrian space and vehicular turning bay at the eastern end of McCarthy Lane Annandale			
3.	Essential Infrastructure Being the construction of public stairs 2 metres wide, an access ramp 1.5 metres wide providing access to the public lift and public lift adjacent to Parramatta Road, Annandale.	\$135,000	Before the issue of the first Occupation Certificate for the Development.	Plans and specifications showing the nature and extent of the required Essential Infrastructure as at the date of this Planning Agreement are contained in Annexure A to this Planning Agreement.

The objective of the Deed is to update the contributions to be provided by the Developer pursuant to the Planning Agreement to reflect the plans as submitted with the modification to Modification Application MOD/2022/0143 and to provide for improvements in the public benefits being provided by the Developer to Council as follows:

- Provide an Orona 3g X-11 machine-room-less electrical gearless solution (MRLG) industrial strength lift with higher compliance standards, side-opening doors (in lieu of outward swinging doors) for safety and ease of access, and wider lift car to accommodate persons with bicycles and motorised disabled access vehicles. The lift controls will be push-button operated (in lieu of press and hold) and with a gearless drive system to manage and control ongoing operational, maintenance and whole-of-life costs.
- Reduce the width of the stairs by 550mm in accordance with approved plan DA 801 to accommodate the increased dimensions of the lift.

34 Assessment of the Merits of the Draft Deed

a. The Planning Purpose of the Deed

The planning purpose served by the Deed is the provision of infrastructure and the orderly and economic development of land.

The Developer, Owner and the Council believe that the Deed provides a reasonable means of achieving those public purposes, in accordance with s7.4(2) of the Act.

The amendments to the Planning Agreement given effect by way of the Deed:

- i. Promote the orderly and economic delivery of the Development;
- ii. Provide improved public amenities and infrastructure; and
- iii. Ensures the Planning Agreement, as amended, is reflective of current community needs for services and facilities.

b. How the Deed Promotes the Public Interest

The Deed promotes the public interest by requiring the Developer to make an appropriate contribution towards the provision of infrastructure, facilities and services to satisfy the needs that arise from the proposed Development of the Land.

c. How the Deed Promotes the Objects of the Act

The Deed promotes the objects of the Act by;

- i. Promoting the orderly and economic use and development of land;
and

- ii. Requiring the Developer to contribute to infrastructure, facilities and services required to meet the demand generated by the Proposed Development.
- d. *How does the Deed promote one or more of the elements of the council's charter under section 8 of the Local Government Act 1993?*

Implementation of the Deed will promote the following elements of Council's charter:

"• to provide ... , 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"

"• to 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"

- e. *How does the Deed conform with the planning authority's capital works program (if any)?*

There are no specific capital works identified within Council's programs that equate with the Development Contributions.

- f. *Requirements relating to Construction, Occupation and Subdivision Certificates*

The Planning Agreement provides that the Transfer of the land and the delivery of the public benefits are provided to Council, prior to the issue of an Occupation Certificate for the final stage of the Approved Development. The Deed does not seek to amend these requirements.

EXECUTED as a Deed.

Signed, sealed and delivered for
INNER WEST COUNCIL (ABN 19
488 017 987) by its duly authorised
officer, in the presence of:

Signature of officer

Signature of witness

Name of officer
Authorised delegate pursuant to
section 377 of the Local Government
Act 1993

Name of witness

Position of officer

Address of witness

.....

EXECUTED by Eranna Development Pty Ltd
ABN 44 638 578 588 in accordance with s127(1)
of the Corporations Act 2001 (Cth):

Signature of director

Signature of director/secretary

Name

Name

EXECUTED by **Eranna Pty Ltd** ACN 638 515 349
in accordance with s127(1) of the Corporations
Act 2001 (Cth):

Signature of director

Name

Signature of director/secretary

Name

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