

## PLANNING AGREEMENT - Explanatory Note

### Environmental Planning and Assessment Regulation 2000 (Clause 25E)

Planning Agreement for the provision of monetary contribution in lieu of Visitor Parking spaces at 1 Lyons Street, Strathfield

Under Section 7.4 of the Environmental Planning and Assessment (EP&A) Act 1979

#### 1. Parties

The parties to the Planning Agreement are:

- (1) Burwood Council (**Council**)
- (2) Prospect Road Pty Ltd (**Proprietor**)
- (3) Prospect Road Pty Ltd (**Developer**)

#### 2. Description of Subject Land

The land to which the Planning Agreement relates is as follows:

Folio Identifiers: Lot 6 DP 17433

Location: 1 Lyons Street, Strathfield

#### 3. Description of Proposed Change to Development

The Developer has lodged a S4.55 Modification Application (being DA.2015.101.4) which provides a shortfall of five (5) Lodger Parking spaces.

#### 4. Summary of Objectives, Nature and Effect of the Planning Agreement

[Section 25E(1)(a) of the EP&A Regulation 2000]

The offer made by the **Proprietor** and **Developer** as set out in the Planning Agreement is based on the parking provision of Burwood Council's Development Control Plan and is consistent with that provision.

The intent of the Planning Agreement is to ensure that the parking needs of the incoming population into the Burwood local government area are met.

Council's Fees and Charges Schedule identifies the monetary contributions in lieu of on-site parking as being \$52,010.00 (no GST) per parking space.

As such, the monetary contributions to be provided by the **Proprietor** and **Developer** under the Planning Agreement is an amount of \$260,050.00 (being a contribution for 5 spaces) payable on the date of execution of the agreement and before issue of any Construction Certificate.

#### 5. Assessment of the Merits of the Planning Agreement



[Section 25E(1)(b) of the EP&A Regulation 2000]

*Impact on the public or any relevant section of the public:*

The Agreement has a positive impact on the public, and in particular, the residents of the Strathfield community. This is because the Agreement provides an opportunity to facilitate:

- (a) Active street frontage within the B4 Zone;
- (b) The promotion of public transport usage within a highly accessible area;
- (c) Additional affordable accommodation;
- (d) Local employment opportunities
- (e) An increase in the provision of local commercial services in the form of space for retail, café and restaurant use or similar





There may be some relatively minor impacts on the public in connection with the works required to construct the development and the improvements to the public domain. However, these impacts will be offset by the longer-term benefits that those works are intended to bring about and would occur regardless if the development was fully compliant.

### 5.1 The planning purposes served by the Planning Agreement

[Section 25E(2)(e) of the EP&A Regulation 2000]

The Planning Agreement will serve a planning purpose by enhancing the public domain by enabling the provision of an active street frontage within the B4 mixed use zone. In addition it will make a contribution to local infrastructure, reflecting the changing nature of the area and the needs of the anticipated incoming population.

The monetary contributions paid by the **Proprietor** and **Developer** under this Planning Agreement will be used by **Council** to develop public car parking facilities within the Strathfield Town Centre.

The planning provision enabling monetary contributions in lieu of parking on-site is contained within Burwood Development Control Plan, a publically exhibited document which was initially adopted by Council on 12 February 2013. The mechanism allows the aggregation of funds by Council for the provision of efficient and sensitively located public car parking facilities.

### 5.2 Promotion of the public interest

[Section 25E(2)(a) of the EP&A Regulation 2000]

*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 following Objects:

- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (g) 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.

### 5.3 Promotion of the Council's charter

[Section 25E(2)(d) of the EP&A Regulation 2000]

The Planning Agreement promotes one or more of the elements of Council's charter under Section 8 of the Local Government Act 1993 as follows [italicised sections come directly from the Charter]:

Council undertakes to provide *adequate, equitable and appropriate services for the community*. The Planning Agreement provides the monetary resources for Council to assist in the provision of additional public car parking and ensure that those *facilities are managed efficiently and effectively*. Council is the *custodian and trustee of public assets* and has a responsibility to *effectively plan for, account for, and manage the assets*.

Council undertakes to involve *councillors, members of the public, users of facilities and services, and council staff* in its activities. The Planning Agreement process provides an opportunity for the community and stakeholders to be involved and interested people are invited to make comment during the exhibition period. The public exhibition and the consideration of this matter at Council meetings are intended to *keep the local community informed*.

Council seeks to ensure that it *acts consistently and without bias*, which is why Council's provisions for Planning Agreements which allow for contributions in lieu of parking is set out in its Development Control Plan.

### 5.4 Capital Works Program

[Section 25E(2)(f) of the EP&A Regulation 2000]

*Whether Council has a capital works program, and if so, whether the Planning Agreement conforms with that capital works program:*

Council has in place a capital works program, but the program does not, to date, identify additional public car parking facilities within the Strathfield Town Centre. The capital works program is subject to annual review and any proposal for additional public car parking would be initiated where sufficient funds are available.

