

Schedule 4 Explanatory Note

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Planning Agreement

Under section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW)

Parties

Canada Bay City Council ABN 79 130 029 350 of 1A Marlborough St, Drummoyne NSW 2047
(**Council**); and

Deicorp Projects (Five Dock) Pty Ltd ACN 630 425 955 of Level 3, 161 Redfern Street,
Redfern (**Developer**)

Description of subject land

53-75 QUEENS ROAD, FIVE DOCK

Lot 1 in Deposited Plan 180829

Lot 1 in Deposited Plan 176343

Lot 1 in Deposited Plan 191889

Lot 1 in Deposited Plan 176163

Lot 1 in Deposited Plan 73026

Lot A in Deposited Plan 401689

Lot 1 in Deposited Plan 872782

Auto Consol 5365-82- being lots Lot 40 in Deposited Plan 1097688 and Lot 41 in Deposited
Plan 1097688

129 PARRAMATTA ROAD, FIVE DOCK

Lot Y in Deposited Plan 386093 **131 PARRAMATTA ROAD, FIVE DOCK**

Lot X in Deposited Plan 386093

Lot 1 in Deposited Plan 82068

Lot 2 in Deposited Plan 591225

Lot A in Deposited Plan 332646

147-153 PARRAMATTA ROAD, FIVE DOCK

Lot B in Deposited Plan 332646

Lot 1 in Deposited Plan 591225

Description of proposed development

Development Application (SSD-73228210) has been lodged to the Department of Planning, Housing and Infrastructure for a mixed use development inclusive of shop top housing with infill affordable housing, an indoor recreation facility and associated roadways and public park. The development application relies on the maximum floor space ratios and/or heights in Part 8 of the LEP and the provisions of Chapter 2 Part 2 Division 1 of the *State Environmental Planning Policy(Housing) 2021*.

Summary of objectives, nature and effect of the draft planning agreement

Objectives of Planning Agreement

The objective of the Planning Agreement is to provide publicly accessible open space to meet the increased demand for open space and public roads which will arise from the carrying out of the proposed development.

Nature of Planning Agreement

The Planning Agreement constitutes a planning agreement under section 7.4 of the Act. The Planning Agreement will be registered on the title of the Land.

Effect of the Draft Planning Agreement

The draft planning agreement requires the developer to provide the following community infrastructure in connection with the development of the Land:

- Construction and dedication of 2,290sqm Public Park to be known as William Street Park;
- Construction and dedication of
 - An 18 m wide road connecting Spencer Street, Five Dock to the eastern boundary of Area 32;and
 - An 18 m wide road along the eastern boundary of Area 32 that connects Spencer Street extension and Queens Road Five Dock;
- Construction and registration of a public easement over a 12 m wide pedestrian link along the eastern boundary of Area 32 that connects the Spencer Street extension and Parramatta Road Five dock .(The pedestrian link will not be dedicated to Council)
- Registration of a public easement over a through site link connecting Queens St and Parramatta Road
- Embellishment and dedication of setbacks
 - 6m wide setback on land that fronts Parramatta Rd and
 - 3m setback on land that fronts Queens Road Five Dock.

Assessment of the merits of the draft planning agreement

The planning purposes served by the Planning Agreement

The Planning Agreement:

- promotes the orderly and economic use and development of the Land to which the Planning Agreement applies;
- promotes good design and amenity of the build environment by facilitating the development of the Land in accordance with the Planning Agreement;
- promotes the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and
- promotes increased opportunity for the public in environmental planning and assessment.

How the Planning Agreement promotes the public interest

The Planning Agreement will promote the public interest by promoting the objects of the Act as set out in sections 1.3(c), (g), (i) and (j) of the Act.

For Planning Authorities:

Development Corporations — How the Planning Agreement promotes its statutory responsibilities

NA

Other Public Authorities - How the Planning Agreement promotes the objects (if any) of the Act under which it is constituted

NA

Councils - How the Planning Agreement promotes the guiding principles in s8A of the Local Government Act 1993

The Planning Agreement promotes the guiding principles by:

- enabling the Council to carry out its functions in a way that provides the best possible value for residents and ratepayers,
- enabling the Council to manage lands and other assets so that current and future local community needs can be met in an affordable way, and
- providing a framework for the Council to work with others to secure appropriate services for local community needs.

These elements of the guiding principles are promoted by securing public access to open space.