

# Explanatory Note

## Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed planning agreement (**Planning Agreement**) prepared under section 93F of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

## Parties to the Planning Agreement

The parties to the Planning Agreement are Frasers Broadway Pty Ltd ( **Developer**) and the Minister for Planning (**Minister**).

The Developer has agreed to enter into the Planning Agreement in connection with the approval granted by the Minister of the application to modify the concept plan approval (MP06\_07171) for the development of the Land (**Concept Plan Modification**).

## Description of the Subject Land

The Planning Agreement applies to the following land (**Land**):

1. the following parts of the Land owned by the Developer (**Developer's Land**):
  - Lot 1 in Deposited Plan 1131320;
  - Lot 2 in Deposited Plan 1131320;
  - Lot 2 in Deposited Plan 33953;
  - Lot 1 in Deposited Plan 76719;
  - Lot 1 in Deposited Plan 709452;
  - Lot 1 in Deposited Plan 807298;
  - Lot 1 in Deposited Plan 185787;
  - Lot 1 in Deposited Plan 191024; and
  - Auto-Consol 6023-118; and
2. the following parts of the Land owned by the Council of the City of Sydney (**Council**):
  - Irving Lane, Chippendale between Carlton Street and Balfour Street (being part of the area on the map attached in annexure B to the Planning Agreement indicated by the green shading marked "A");
  - Balfour Street, Chippendale between O'Connor Street and the southern boundary of Lot 1 of Deposited Plan 43731 (being part of the area on the map attached in annexure B to the Planning Agreement indicated by the green shading marked "A");

- Balfour Street, Chippendale between O'Connor Street and Wellington Street (being part of the area on the map attached in annexure B to the Planning Agreement indicated by the green shading marked "B"); and
- Kensington Street, Chippendale between Outram Street and Regent Street (being part of the area on the map attached in annexure B to the Planning Agreement indicated by the green shading marked "C").

## **Description of the Proposed Change to the Environmental Planning Instrument and of the Development**

The Developer has sought a modification to the concept plan approval (MP06\_0171). This change has been effected by the Minister making the Concept Plan Modification.

The effect of the Concept Plan Modification will be to:

- increase the maximum gross floor area from 235,000 sqm to 255,500 sqm;
- revise building envelopes for 11 development blocks;
- reconfigure floor plates to development blocks and changed internal road layout (central ring road and increased number of pedestrian through links to replace grid street layout);
- increase the size of the public park;
- set a maximum of 2,000 car parking spaces (reduction of 440) within combined basement areas;
- implement a comprehensive sustainability strategy for the site including commitments towards using tri-generation plant and an integrated water recycling scheme and enhanced storm water infrastructure. Improved building energy efficiency for all new buildings including heritage buildings, removal of surface traffic and prioritising bicycle/pedestrian movement; and
- increase the site area by 396 sqm from 57,950 sqm to 58,346 sqm.

The Minister granted the Concept Plan Modification on 5 February 2009.

The Developer intends to develop the Land as a mixed use redevelopment (**Development**).

## **Summary of Objectives, Nature and Effect of the Planning Agreement**

The Planning Agreement provides that the Developer will make various cash, works and land contributions, comprising the following:

1. demolition, drainage and remediation contribution works to Main Park to a cost equivalent to \$3,000,000;
2. embellishment contribution works to Main Park to a cost equivalent of a rate of \$560 per square metre and the dedication of part of Main Park comprising the Developer's Land having an area of approximately 4,862 square metres;
3. road and pedestrian contribution works to a cost equivalent of \$500,000;
4. embellishment contribution works to Balfour Street Park to a cost equivalent of a rate of \$560 per square metre;

5. a contribution amount of \$2,750,000 to be used by the Minister for the purposes of constructing or upgrading a community facility within the Chippendale locality or, if directed by the Council or otherwise elected by the Developer, the provision of contribution works for the construction and dedication of a community facility to the Council to a cost equivalent to \$2,750,000;
6. embellishment contribution works of Wellington Street park, Irving Street Park and O'Connor Street Park to a cost equivalent of \$560 per square metre;
7. embellishment contribution works of parts of the Developer's Land, including the remediation (if required) and embellishment of sites 7 (the Brewery Yard), 8 (the Brewery Site forecourt) and 11 in the concept plan forming part of the Concept Plan Modification and the remediation, embellishment and dedication of sites 12 and the shared zones coloured purple on the Modified Concept Plan to the Council;
8. provision of child care spaces in a facility to be privately owned and operated; and
9. road contribution works including the remediation, construction and dedication to the Council of internal roads identified in the Concept Plan Modification and the provision of new intersections on the Land.

## **Assessment of Merits of Planning Agreement**

### **The Planning Purpose of the Planning Agreement**

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purposes:

- the provision of (or the recoupment of the cost of providing) public services; and
- the conservation or enhancement of the natural environment.

The Minister and Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving those public purposes.

### **How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by dealing with:

- the provision of land for public purposes;
- the provision of community facilities; and
- the provision of road and stormwater infrastructure.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the following objects of the Act:

- the provision of land for public purposes;
- the promotion and coordination of the orderly and economic use and development of land; and
- the provision and coordination of community services and facilities.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to provide the contribution amount, contribution works and contribution land set out in this explanatory note

under the heading "*Summary of Objectives, Nature and Effect of the Planning Agreement*" for the following purposes:

- the provision and embellishment of land for public parks;
- the provision of community facilities; and
- the provision of road and stormwater infrastructure.

Each of these purposes represents an important public benefit, and the Developer's offer to contribute towards these purposes will provide an important positive impact on the public who use the infrastructure and services to which these purposes relate.

### **Interpretation of Planning Agreement**

This Explanatory Note is not to be used to assist in construing the Planning Agreement.