

## Explanatory Note

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed deed of amendment to the planning agreement (**Planning Agreement**) prepared under section 93F of the *Environmental Planning and Assessment Act* 1979 (**Act**) between the Minister for Planning and Infrastructure and Frasers Broadway Pty Ltd dated 19 July 2010.

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

### Parties to the Planning Agreement

The parties to the Planning Agreement are Frasers Broadway Pty Ltd, Frasers Central Park Land No 1 Pty and Frasers Central Part Land No 2 Pty Ltd (together the **Land Owners**) and the Minister for Planning and Infrastructure (**Minister**).

Frasers Broadway entered into the original 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 described below (**Concept Plan Modification**).

### Description of the Subject Land

The Planning Agreement will continue to apply to the same land as the original planning agreement but the title references will be updated to reflect a subdivision on the land that has occurred. The land comprises:

- 1 The "**Land Owner's Land**" being:
  - (a) Lots 1-8 DP 1142053
  - (b) Lot 1 DP 76719
  - (c) Lot 1 DP 709452
  - (d) Lot 1 DP 807298
  - (e) Lot 1 DP 185787
  - (f) Lot 1 DP 191024
  - (g) Lots 1-3 and 5-6 DP 33953; and
- 2 Council Land owned by the Council of the City of Sydney (**Council**) being:
  - (a) Irving Lane, Chippendale between Carlton Street and Balfour Street (being part of the area on the map attached in annexure B to the original planning agreement indicated by the green shading marked "A");
  - (b) Balfour Street, Chippendale between O'Connor Street and the southern boundary of Lot 1 of DP 43731 (being part of the area on the map attached

in annexure B to the original planning agreement indicated by the green shading marked “A”);

- (c) Balfour Street, Chippendale between O’Connor Street and Wellington Street (being part of the area on the map attached in annexure B to the original planning agreement indicated by the green shading marked “B”); and
- (d) Kensington Street, Chippendale between Outram Street and Regent Street (being part of the area on the map attached in annexure B to the original planning agreement indicated by the green shading marked “C”).

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

The Land Owner's are not seeking any change to the Concept Plan Modification in connection with the Planning Agreement.

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

The Planning Agreement provides for:

- 1 Changes to the details of the parties as some land has now been transferred from Frasers Broadway to other landowner entities as referred to above.
- 2 The registration of the original planning agreement and the Planning Agreement over Lots 4 and 5 in DP 1142053 and for the registration of the original planning agreement to be released from the remainder of the Land Owner’s Land.
- 3 Updated references to the Land Owner’s Land as described above.
- 4 Amendment to clause 2 Schedule 3 to provide security through a compulsory acquisition provision for the Main Park and for roads to be dedicated to the Council.
- 5 The release of the bank guarantee in relation to the Main Park contribution (to be replaced by the compulsory acquisition provision in clause 2 Schedule 3).
- 6 Updated release and discharge terms in Schedule 6.
- 7 Updated assignment and dealing terms that will apply to lots 1, 2 and 5 in DP 1142053 in Schedule 10.
- 8 New and updated definitions to support the above amendments.

### **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 Land Owners agree that the provisions of the Planning Agreement (in conjunction with the original planning agreement) provide a reasonable means of achieving those public purposes.

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

The Planning Agreement will 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 not changing the requirement that the Land Owner continue to provide the contributions under the original 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.

### **Capital works program**

The Minister has no relevant capital works program.

### **Requirements of the Planning Agreement that must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

There are no such requirements in the Planning Agreement.