

Draft Planning Agreement for the Carlton United Breweries Site, Chippendale

Explanatory note

Introduction

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

Who has negotiated the planning agreement?

The Land Owner (Carlton & United Breweries (NSW) Pty Limited) has negotiated a draft planning agreement with the planning authority for the Carlton United Breweries Site in Chippendale.

The planning authority is the Minister for Planning following his declaration on 21 July 2006 that the Major Project provisions of the Act (Part 3A) applies to the redevelopment of the Carlton United Breweries Site.

The Planning Agreement makes provision for parties to agree in the future to Sydney City Council taking the benefit of the land owner's obligations under the agreement.

Why is a planning agreement being initiated?

The Land Owner is initiating a planning agreement as they are seeking to change an environmental planning instrument. The instrument the Developer seeks to change is *State Environmental Planning Policy (Major Projects) 2005* and involves listing the Carlton United Breweries site in Schedule 3 of that policy and including special planning provisions.

Where does the Planning Agreement apply?

The draft planning agreement applies to:

- the land within the Carlton United Breweries Site owned by the Land Owner, Council, and Energy Australia, and
- the Concept Plan MP 06_0171 (see plan CP 04 A-02-01 dated Oct 06)).

What is the purpose of the Planning Agreement?

The Act requires that planning agreements may only be employed for a public purpose.

The public purpose of this draft planning agreement negotiated between the Land Owner and Minister are:

- the provision of public amenities or public services, and
- the provision of transport or other infrastructure relating to land.

What contributions does the Planning Agreement offer?

The draft Planning Agreement offers developer contributions to be paid, made or provided.

The developer contributions offered to be paid, made or provided as part of the change to the environmental planning instrument, *State Environmental Planning Policy (Major Projects) 2005*. The contributions offered are:

- demolition, drainage and remediation, as required for public recreation and dedication purposes including the provision of a Park totalling 5,381 sq metres (or 4,862 sq metres if Council does not give land owners consent to the development of its land for inclusion in the park),
- embellishment of the Park totalling 5,381 sq metres (or 4,862 sq metres if Council does not give land owners consent to the development of its land for inclusion in the park) to a cost equivalent to a rate of \$560 / sq metres (subject to indexation),
- dedication of that part of the park which is owned by the developer (4862 sq metres) for open space for passive recreation purposes
- road and pedestrian works to the cost of \$500,000 subject to indexation for signalised pedestrian crossings across City Road at Myrtle Street and across Regent Street (subject to indexation),

- the construction and embellishment of a public park in Balfour Street of approximately 479 sq metres to a cost equivalent to a rate of \$560 / sq metres (subject to indexation), and
- provision of a community facility within Chippendale at a cost of \$2.5m (subject to indexation).

The draft Planning Agreement notes that other contributions are proposed to be paid, made or provided as part of works that the Developer and Minister agree could be the subject of future applications and might be required as part of future approvals of development (including a Concept Plan). These include parkland embellishments, childcare provision and road and footpath works and upgrades

Who will provide the contributions offered in the Planning Agreement?

The draft planning agreement requires the land owner to provide the contributions.

If the current land owner chooses to sell part or all of the land within the Carlton United Breweries site, the new land owner will be bound by the planning agreement and will need to provide the contributions in accordance with the planning agreement.

How does the Planning Agreement promote the Objects of the Act?

The draft planning agreement promotes the Objects of the Act by encouraging:

- the proper management, development and conservation of artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment,
- the provision of land for public purposes, and
- the provision and co-ordination of community services and facilities.

The draft planning agreement will achieves these Objects by making land owners provide open space, community facilities, and transport infrastructure.

How does the Planning Agreement promote the public interest?

The draft planning agreement promotes the public interest by providing services and needs for the new population anticipated by redeveloping the Carlton United Breweries site for commercial offices and residential housing.

Further Information

- Visit the Department's internet site where you can view a copy of the planning agreement and the Concept Plan MP 06_0171 at the Department's website (www.planning.nsw.gov.au) by following the links to *On Exhibition/Major Projects Part3A*).
- Visit the Department's website where you can view a copy of the Planning Circular *Changes to the development contributions system in NSW* (PS05-003) that explains the reforms to developer contributions. (www.planning.nsw.gov.au/planning_reforms/p/dipnr_ps05_003.pdf)
- Contact the Department on 1300 305 695 or via email information@planning.nsw.gov.au