

Explanatory Note

Minister for Planning and Public Spaces ABN 20 770 707 468

and

Landpearl Pty Ltd (ACN 104 625 809) and

Apolo Apartments Pty Ltd (ACN 634 726 211) and

Victor James Nolan and Jane Lynette Timmins and

Peter Bruce Christofides and Suzanne Lenore Christofides and

George Lee Gow

Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act* 1979 (the **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 the Minister for Planning and Public Spaces ABN 20 770 707 468 (the **Minister**), Landpearl Pty Ltd (ACN 104 625 809), Apolo Apartments Pty Ltd (ACN 634 726 211), Victor James Nolan, Jane Lynette Timmins, Peter Bruce Christofides, Suzanne Lenore Christofides and George Lee Gow (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 12 Section 2 DP 4059, known as 31 Flora Street, Arncliffe 2205
- Lot 13 Section 2 DP 4059, known as 33 Flora Street, Arncliffe 2205
- Lot 14 Section 2 DP 4059, known as 35 Flora Street, Arncliffe 2205

(together referred to as the **Subject Land**).

Description of the Proposed Development

The Developer is seeking to demolish the existing structures on the Subject Land and construct a residential flat building consisting of 42 residential units and basement parking, generally in accordance with Development Application 2019/33 which has been lodged with Bayside Council (**Proposed Development**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$9,119 per residential lot (subject to indexation in accordance with the Planning Agreement) for the purposes of the provision of designated State public infrastructure within the meaning of clause 7.1 of Rockdale Local Environmental Plan 2011 (**LEP**).

The monetary contribution will be payable prior to the issue of the Construction Certificate for the proposed residential flat building, in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of infrastructure, facilities and services referred to in clause 7.1 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Planning Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes appropriate contributions towards the provision of infrastructure, facilities and services referred to in clause 7.1 of the LEP.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion of the orderly and economic use and development of land.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of infrastructure, facilities and services referred to in clause 7.1 of the LEP.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as funds from the Developer will be available to go towards the provision of infrastructure, facilities and services referred to in clause 7.1 of the LEP.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of an occupation certificate or subdivision certificate.

The Planning Agreement requires each instalment of the Development Contribution to be paid prior to the issue of the construction certificate, and therefore contains a restriction on the issue of a construction certificate within the meaning of clause 146A of the Regulation.