

## Explanatory Note

Minister for Planning and Public Spaces ABN 20 770 707 468

and

SLA Homebush Pty Ltd (ACN 615 458 583)

and

YYS & Co Pty Ltd (ACN 615 458 127) as trustee for YYS Unit Trust

## 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**) and the following 'Developer' parties:

- SLA Homebush Pty Ltd ACN 615 458 583;
- YYS & Co Pty Ltd ACN 615 458 127 as trustee for YYS Unit Trust (together, the **Developer**).

### Description of the Subject Land

The Planning Agreement applies to:

- Part of Lot 1 in Deposited Plan 802749, known as 12 - 14 Birnie Avenue, Lidcombe (**Subject Land**).

### Description of the Proposed Development

The Developer is seeking to erect on the Subject Land, two residential flat buildings of 27 storeys comprising approximately 419 residential units with four basement levels of car parking and associated infrastructure, generally in accordance with Development Application 528/2019 which has been lodged with City of Parramatta 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 \$109.41 per square metre of gross floor area (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.8 of the Auburn Local *Environmental Plan* 2010 (**LEP**).

An instalment of the Development Contribution will be payable prior to the issue of the relevant Occupation Certificate 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 designated State public infrastructure referred to in clause 6.8 of the LEP.

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

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

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

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

- the provision of (or the recoupment of the cost of providing) public amenities or public services; and
- 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 services, facilities and infrastructure.

### **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.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use the infrastructure, facilities and services.

### **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; and
- the promotion of good design and amenity of the built environment.

The Planning Agreement promotes the object of the Act set out above by facilitating development of the Subject Land in accordance with the Planning Agreement.

### **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 a subdivision certificate or a construction certificate.

The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant Occupation Certificate and therefore contains a restriction on the issue of an Occupation Certificate within the meaning of clause 154E of the Regulation.