

Explanatory Note
Minister for Planning and Public Spaces ABN 20 770 707 468
and
M.R. & Family Pty Ltd ACN 125 918 569 in its capacity as trustee for
the Hassan Family 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 M.R. & Family Pty Ltd ACN 125 918 569 (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 16 DP 1003901, known as 17-19 Belmore Street, Arncliffe NSW 2205;
- Lot 17 DP 1003901 (Auto Consol 13214-115), known as 17-19 Belmore Street, Arncliffe NSW 2205; and
- Lot 18 DP 1411 (Auto Consol 13214-115), known as 17-19 Belmore Street, Arncliffe NSW 2205,

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

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into a five (5) storey Mixed Use Development, comprising Commercial Premises, Retail Premises, nine (9) residential Dwellings, thirty-five (35) Boarding Rooms and three (3) basement levels of car parking generally in accordance with Development Application DA- 2019/105 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 Mixed Use Development, 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 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 purposes 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.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public 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 objects 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 an occupation certificate.

The Planning Agreement requires the monetary 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.