

Explanatory Note
Minister for Planning and Public Spaces (ABN 20 770 707 468)
and
North Strathfield One Pty Limited (ACN 165 499 589)

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 North Strathfield One Pty Limited (ACN 165 499 589) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lots 1 - 10 in Strata Plan 22302 and the common property in Strata Plan 22302, known as 25 George Street, North Strathfield 2137 (the **Subject Land**).

Description of the Proposed Development

The Developer is seeking to demolish existing structures and to erect two four to six storey residential flat buildings comprising approximately 156 residential units with two basement levels of car parking and associated infrastructure on the Subject Land, generally in accordance with Development Application 2020/0143 which has been lodged with Canada Bay 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 \$10,548 per residential lot (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 6.9 of the *Canada Bay Local Environmental Plan* 2013 (**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 6.9 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;
- 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 an appropriate contribution 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 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 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.