

EXPLANATORY NOTE

Planning Agreement

3- 5 Bridge Road, Homebush West, NSW

1 Introduction

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Planning Agreement (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*, prepared in connection with Development Application LDA2016 / 170 / 2 (**Development Application**).

This Explanatory Note has been prepared jointly by the parties to the Planning Agreement as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

Contributions under sections 7.11, 7.12 and 7.24 of the Act are not excluded under the Planning Agreement.

In this Explanatory Note, capitalised terms have the meaning given to those terms in the Planning Agreement unless otherwise defined.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (a) Strathfield Municipal Council ABN 52 719 940 263 (**Council**); and
- (b) 3-5 Bridge Road Homebush West Pty Limited ACN 641 485 029 (**Developer**).

3 Description of the Land

The Planning Agreement relates to the land comprised in certificate of title auto consol 2697-136 (Lots 29-30 in Section 16 in DP477) (and known as 3 Bridge Road, Homebush West, NSW) together with folio identifier 23 / DP9481 (and known as 5 Bridge Road, Homebush West, NSW) (**Land**).

4 Description of the Proposed Development

No change is proposed to an environmental planning instrument.

The Developer seeks to carry out development of the Land in accordance with the Development Application comprising:

- (a) demolition of existing structures; and
- (b) construction of a part 3 storey and part 11 storey residential flat building containing 77 units over 3 levels of basement parking,

(described in this Explanatory Note as the **Development**).

5 Summary of Objectives, Nature and Effect of the Planning Agreement

The objective of the Planning Agreement is to facilitate the delivery by the Developer of the contributions described in the Planning Agreement comprising the construction and dedication of an extension to Loftus Lane.

To secure the obligations of the Developer under the Planning Agreement, the terms of the Planning Agreement require the provision of security in the form of bank guarantees or security deposits for the amounts stipulated in the Planning Agreement.

The public benefit to be provided under the Planning Agreement is the construction and dedication of an extension to Loftus Lane.

6 Assessment of the merits of the Planning Agreement

6.1 How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement provides an enhancement to existing public roads by the extension of an existing public road to meet the needs of the community who will live, work or visit the locality once the Development is complete.

In doing so, the Agreement promotes the following objects of the Act:

- (a) to promote the orderly and economic use and development of land (section 1.3(c)); and
- (b) to promote good design and amenity of the built environment (section 1.3(g)).

The delivery of the contribution under the Planning Agreement will be in the public interest because they will result in the provision of public infrastructure. The provision of these items will promote the social and economic welfare of the community.

6.2 How the Planning Agreement promotes the objects of the Local Government Act 1993 (LG Act) and the elements of the Council's charter

The Planning Agreement promotes the exercise by Council of its functions in accordance with the guiding principles set out in Chapter 3 of the LG Act because it will assist Council to provide infrastructure for the benefit of the community in the area of the Development.

In summary, the Planning Agreement promotes the Council's charter by ensuring the delivery of the public benefits under the Planning Agreement which in turn satisfy the following aspects of Council's charter under the LG Act:

- (a) Councils should plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community (section 8A(1)(c));
- (b) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way (section 8A(1)(g)); and
- (c) Council should work with others to secure the appropriate services for local community needs (section 8A(1)(g)).

6.3 The impact of the Planning Agreement on the public or any section of the public.

The scope of the Planning Agreement will benefit the local and wider community as it will improve the public domain by providing new local roads, pedestrian links and enhancing existing public roads.

6.4 Whether the Planning Agreement conforms with Council's capital works program

The scope of the Planning Agreement is consistent with Council's capital works program.

6.5 The planning purpose or purposes of the Planning Agreement

The public purpose of the Planning Agreement is the provision of infrastructure that will provide a public benefit in terms of improving public access in and around the Land.

The contributions to be delivered under the Planning Agreement will ensure that there is sufficient infrastructure for the Development, producing a good planning outcome from the Development of the Land.

6.6 Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates

The contribution under the Planning Agreement must be provided on or before any Occupation Certificate is issued for the Development.

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