**EXPLANATORY NOTE**

**Planning Agreement**

[Insert property address]

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 [Insert Development Application number] (**Development Application**).

This Explanatory Note has been prepared jointly by the parties to the Planning Agreement as required by section 203 of the *Environmental Planning and Assessment Regulation* *2021* (**Regulation**).

Contributions under sections 7.11 and 7.12 of the Act are excluded under the Planning Agreement. [Note: delete if not applicable]

Contributions under section 7.24 of the Act are not excluded. [Note: delete if not applicable]

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.

1. Parties to the Planning Agreement

The parties to the Planning Agreement are:

* + 1. **Strathfield Municipal Council** ABN 52 719 940 263 (**Council**); and
		2. [**Insert Owner details**] ACN [Insert ACN] (**Owner**).
		3. [Insert Developer / Responsible Entity details] ACN [Insert ACN] (Developer / Responsible Entity)
		4. [Insert Consent Authority details (if applicable)] of [Insert address] (Consent Authority)
1. Description of the Land

The Planning Agreement applies to Lot # in Deposited Plan # and known as [Insert property address] being the land comprised in certificate of title folio identifiers [Insert title details](**Land**).

1. Description of the Proposed Development

No change is proposed to an environmental planning instrument.

The Owner seeks to carry out redevelopment of the Land in accordance with the [staged] development application No. [#] lodged with the Council on [Insert date], comprising a [Insert development description. The description must be consistent with what appears I the relevant application. Below is an example.]

* + 1. *Four retail and support pavilions fronting the central open space;.*
		2. *A total floor space of [#]sq.m (FSR [#]) comprising the following land uses:*
			1. *[Insert use];*
			2. *[Insert use] ;*
			3. *[Insert use].*
		3. *Varying building heights up to [#] storeys ([#]metres);*
		4. *[Basement] Car parking for [#] vehicles;*
		5. *E.g. New internal roads connecting between [#];*
		6. *E.g. New Road [Insert description];*
		7. *E.g. New pedestrian through site link connecting [Insert description] ; and*
		8. *E.g. Landscaping works including a central publicly accessible open space,*

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

1. Summary of Objectives, Nature and Effect of the Planning Agreement

The objective of the Planning Agreement is to facilitate the delivery by the Owner of the Contributions comprising: [Note: Insert description of Contributions as necessary]

* + 1. E.g. the carrying out of the [Insert description of works] Works;
		2. E.g. the carrying out of the [Insert description of works] and dedication of the Road Land as public road; and
		3. E.g. the carrying out of the [Insert description of works if applicable] ,

(together **Contributions**).

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 benefits to be provided under the Planning Agreement are summarised as follows: [Note: Insert description of the public benefits as required]

* + 1. the construction and dedication to Council of the [Insert description] ;
		2. the construction of the [Insert description] and registration of an easement in favour of Council over the [Insert description] across the Land; and
		3. the carrying out of [Insert description of works] to [Insert description] outside the boundary of the Land.
1. Assessment of the Merits of the Planning Agreement
	1. How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement provides a [Insert description of all public interests promoted by the Planning Agreement, e.g enhancements to existing public roads and new public roads to meet the needs of the people 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: [Note: Insert objects as required]

* + 1. E.g. to promote the orderly and economic use and development of land (section 1.3(c));
		2. E.g. to promote good design and amenity of the built environment (section 1.3(g)); and
		3. E.g [Insert description].

The delivery of the Contributions 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.

* 1. 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 and public spaces for the benefit of the community in the area of the Development.

Council's strategic planning for [Insert details] envisions an attractive, vibrant and sustainable urban place which provides quality residential and commercial developments complimented with enhanced pedestrian, bike and road access.

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:

* + 1. 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));
		2. 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
		3. Council should work with others to secure the appropriate services for local community needs (section 8A(1)(g)).
	1. 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.

* 1. 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.

* 1. 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 site. 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. As it would be difficult to obtain these public benefits through other statutory means, the Planning Agreement is the most suitable means of achieving that purpose.

* 1. Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates

The Contributions under the Planning Agreement, being the Contribution Works and the dedication of the Contribution Land, must be provided in accordance with the timing provisions as set out in Schedule 3 of the Planning Agreement. Details of the proposed timing for the delivery of the Contributions are set out in the Annexure to this Explanatory Note.