

## **Explanatory Note – Draft Planning Agreement 165-169 Holden Street, Ashbury**

(Clause 42)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

### **Proposed Planning Agreement**

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

#### **1. Parties**

Canterbury-Bankstown City Council (ABN 45 985 891 846) of 66-72 Rickard Road, Bankstown NSW 2200 **(Council)**

and

Sydney Water **(Land Owner)** (ABN 49 776 225 038) of 1 Smith Street, Parramatta NSW 2150

#### **2. Description of the Land to which the proposed Planning Agreement applies**

**2.1** 165-169 Holden Street, Ashbury (Ashfield Reservoir) being Lot 1 DP 911478 and Lot 1 DP 115504, as described in **Part 1** of the Agreement.

**2.2** This Developer is the owner of the Land.

#### **3. Description of proposed Development**

**3.1** Development pursuant to the Planning Proposal for the following amendments to the LEP:

- a. Rezone the northern portion of the site from SP2 Infrastructure to R2 Low Density Residential (see Map 3 in the Planning Proposal);
- b. Apply a maximum building height of 8.5m (see Map 7 in the Planning Proposal); and
- c. Amend the curtilage of the Ashfield Reservoir heritage item (see Map 5 in the Planning Proposal).

#### **4. Summary of objectives, nature and effect of the proposed Planning Agreement**

##### **4.1 Objectives of proposed Planning Agreement**

4.1.1 The objectives of the proposed Planning agreement are to:

- provide a monetary contribution towards affordable housing to be used by Council towards the provision of affordable housing within the Canterbury Bankstown LGA; and
- provide enhanced access from Holden Street to Peace Park through the site and associated signage and ensure the dedication of this accessway to Council in perpetuity.

## **4.2 Nature and effect of proposed Planning Agreement**

- 4.2.1 The proposed Planning Agreement will ~~not~~ come into effect on the date the agreement is executed by both parties.
- 4.2.2 The proposed Planning Agreement will require the Land Owner to dedicate their Land to Council to provide public access from Holden Street to Peace Park
- 4.2.3 The proposed Planning Agreement will require the Developer to pay a Monetary Contribution towards the provision of affordable housing. The total monetary contribution to be paid under the proposed Planning Agreement is at least \$329,000.00 subject to Clause 6.1 within the Agreement, and dependant on the total uplift in residential floor space achieved by the Planning Proposal is equal to or greater than 1,000sqm.
- 4.2.4 The proposed Planning Agreement will also require the Developer to carry out the following Work for a public purpose (as described in Part 1 of the Agreement):
  - Construction of a new public footpath through the site at least 1.8m in width
  - Associated signage on Holden Street and ~~to~~ Peace Park

## **5. Assessment of the merits of the proposed Planning Agreement**

### **5.1 The impact of the proposed Agreement on the public or any relevant section of the public**

- 5.1.1 The proposed Planning Agreement impacts on the public by promoting the public interests as outlined in **paragraph 5.2.1.**

### **5.2 How the proposed Planning Agreement promotes the public interest and one or more objects of the Environmental Planning and Assessment Act 1979**

- 5.2.1 The proposed Planning Agreement promotes the public interest by securing the provision of Development Contributions, including the provision of affordable housing contributions and the carrying out of Work, for the purposes of improving infrastructure and access to Peace Park, and in general for the purposes of improving and promoting the community's quality of life.
- 5.2.2 The proposed Planning Agreement promotes the objects of the Environmental Planning and Assessment Act 1979 by;
  - promoting the social and economic welfare of the community through the provision of infrastructure and affordable housing contribution;
  - encouraging the promotion and co-ordination of the

orderly and economic use and development of land;  
and

- encouraging the provision of land for public purposes.

### **5.3 For Planning Authorities:**

#### **5.3.1 Development corporations - How the proposed Planning Agreement promotes its statutory responsibilities**

Not relevant.

#### **5.3.2 Other public authorities - How the proposed Planning Agreement promotes the objects (if any) of the Act under which it is constituted**

The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) Keeping the community informed about its activities and to ensure that its decision-making is transparent.
- (2) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (3) To act fairly, ethically and without bias in the interests of the local community.
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) To engage in long-term strategic planning on behalf of the local community.

#### **5.3.3 Councils - How the proposed Planning Agreement promotes the elements of the Council's Charter**

Section 8 of the Local Government Act 1993 sets out the "Council's charter". The Agreement promotes the Council's charter in the same way that is set out in section 5.3.2 above.

#### **5.3.4 Whether the proposed Planning Agreement conforms with the authority's capital works program**

The Agreement includes works do not conform with Council's Capital Works Program. Should the development proceed, the works identified under the Agreement that do not conform with Council's Capital Works Program will be required to support the development and to help provide an appropriate level of infrastructure to the existing and incoming community. This Agreement provides a mechanism by which these works can be secured.

#### **5.3.5 Construction certificate, occupation certificate or subdivision certificate**

The Agreement specifies that certain requirements must be complied with before certain Subdivision Certificates and Occupation Certificates are

issued. These requirements are set out in clauses 6.1 and 6.2 of the Agreement.

DRAFT