

**Explanatory Note
Exhibition of Draft Planning Agreement – 167 Hume Highway,
Greenacre**

Canterbury Bankstown Council (ABN 45 985 891 846)

And

Palms (Chullora) Pty Limited (ACN 167 341 666)

*Prepared in accordance with Clause 25E of the Environmental Planning and Assessment
Regulation 2000 (Clause 25E)*

March 2023 DRAFT

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

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**the Act**).

The Planning Agreement will require the provision of items outlined in Section 2.5 of this Explanatory Note in connection with a proposed change to provisions of the Bankstown Local Environmental Plan (**LEP**) 2015.

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

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

The Planning Agreement is being exhibited to seek feedback from the community.

Parties

Palms (Chullora) Pty Limited (**the Developer**) made an offer to Canterbury Bankstown Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 402 DP 631754, known as 167 Hume Highway, Greenacre (**the Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Development pursuant to the Planning Proposal applying to the Land proposes to make amendments to the Bankstown Local Environmental Plan 2015 as follows:

- Part rezone from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation.
- Permit a minimum FSR of up to 0.3:1 for non-residential purposes within a maximum FSR for the whole site of up to 1.3:1, excluding the land to be dedicated to form part of Peter Reserve.
- Permit a maximum building height of part 20 metres (six storeys), part 17 metres (five storeys), and part 11 metres (three storeys).
- Reduce the depth of the 11 metres building height control along the Hume Highway for residential purposes from 20 metres to 12 metres.

1.1 Objectives of draft Planning Agreement

The Planning Agreement will be a voluntary agreement under Section 7.4 of the Act. The objective of the draft Planning Agreement is to provide a mechanism by which contribution items discussed in Section 1.2 of this explanatory Note can be provided to benefit the community.

1.2 Nature of draft Planning Agreement

Monetary Contribution

The Planning Agreement requires monetary contributions as follows:

Peter Reserve Expansion

- In addition to the dedication of land to Peter Reserve the Planning Agreement requires the Developer to make a monetary contribution of \$75,000.00 so that Council can use the contribution towards embellishment of Peter Reserve.

District Facility

- The Planning Agreement requires the Developer to make a monetary contribution to a District Level Community and Recreation Facility to the amount of \$80,000.00.

Affordable Housing

- The Planning Agreement requires the Developer to make a monetary contribution of \$201,361.00 for Affordable Housing in the Canterbury Bankstown LGA.

Improvements to Existing Public Transport Infrastructure

- The Planning Agreement requires the Developer to make a monetary contribution of \$20,000.00 to improve the existing bus stop and/or improve walkability to/from the planning proposal site to the existing bus stop at Hillcrest Avenue opposite Cardigan Road, or other bus stop within 400m of the site, as approved by TfNSW.

Land

The Planning Agreement requires dedication of 600m² of 167 Hume Highway, Greenacre to expand Peter Reserve. The value of this Land Dedication is \$660,000.00 as specified in Annexure 3 of the Draft Planning Agreement.

1.3 Effect of draft Planning Agreement

This Agreement does not commence unless and until a Development Consent in respect of the 167 Hume Highway, Greenacre is granted and is in effect.

The contributions will generally be required prior to the completion of the Development and its occupation. Security can be provided by the Developer in lieu of contributions but only where this is acceptable to the Council.

The Maximum Value associated with the Planning Agreement is set out in Section 1.2 above.

The Agreement provides for the enforcement of the Agreement by a suitable means if there is a breach by the Developer.

A Planning Agreement cannot impose an obligation on a planning authority to grant development consent. A Planning Agreement cannot breach the provisions of an environmental planning instrument or a development consent applying to the relevant land.

Where it is relevant to a development application, a consent authority is to take into consideration a planning agreement, or any draft planning agreement that a developer has offered to enter into.

2. Assessment of the Merits of the Planning Agreement

2.1 How the Planning Agreement Promotes the Objects of the Act and the public interest

The draft Planning Agreement promotes the following objectives of the Act:

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- (a) Section 1.3(b): To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (b) Section 1.3(c): To promote the orderly and economic use and development of land,
- (c) Section 1.3(g): To promote good design and amenity of the built environment
- (d) Section 1.3(h): to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (e) Section 1.3(j): To provide increased opportunity for community participation in environmental planning and assessment.

The draft Planning Agreement promotes the public interest by:

- expansion and embellishment of Peter Reserve to provide a provision of open space in the locality for the future residents of the planning proposal site and the existing community to enjoy.
- Improvements to the existing the existing bus stop and/or improving walkability to/from the planning proposal site to the existing bus stop at Hillcrest Avenue opposite Cardigan Road or other bus stop within 400m of the site.
- proposed works are to comply with the Disability Discrimination Act 1992.
- Monetary contribution to improve the provision of affordable housing in the locality.
- Monetary contribution for a district level community and recreation facility for the future residents of the locality.

2.2 The Planning Purposes served by the Planning Agreement

The monetary contribution will be used to provide for affordable housing, a district level community and recreational facility, embellishment of Peter Reserve and improve the existing public transport node

That 600 sqm of the land will be dedicated for the purposes of expanding Peter Reserve to cater for a public open space in the locality.

2.3 How the Planning Agreement promotes the objectives of the Local Government Act 1993 and the elements of the Council's Charter (now section 8A)

The Planning Agreement is consistent with the following purposes of the *Local Government Act 1993*:

- to give councils the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and the wider public;
- to give councils a role in the management, improvement and development of the resources of their areas;
- to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government.

By enabling Council to provide public infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter):

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should 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.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

2.4 Whether the Planning Agreement Conforms with the Council's Capital Works Program

The works proposed under the Agreement have not been identified under the Council's current capital works program. However, should the development proceed, the works identified under the Agreement will be required to support the development and to help provide an appropriate level of infrastructure to the existing and in-coming community. This Agreement provides a mechanism by which these works can be secured.

2.5 Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Planning Agreement requires the following to be satisfied:
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Monetary Contributions	Monetary Contribution	Land Dedication
\$75,000.00 for embellishment of Peter Reserve	\$20,000 to improve the existing bus stop and/or improve walkability to/from the planning proposal site to existing bus stop at Hillcrest Avenue opposite Cardigan Road or another bus stop within 400m of the site, as approved by TfNSW.	600m ² land of 167 Hume Highway, Greenacre to expand Peter Reserve
\$80,000.00 for district level community facility and recreation facility		
Timing of Contribution	Timing of Contribution	Timing of Contribution
30 days after the Dedicated Land is registered NSW Land Registry Service	Prior to the issue of the Final Occupation Certificate for the development	No later than 30 months of the issue of the first Construction Certificate linked to the redevelopment of the subject site.
Monetary Contribution		
\$201,361.00 for affordable housing		
Timing of Contribution		
Prior to the registration of the Strata Subdivision for the development with NSW Land Registry Services		