

Planning Agreement Explanatory Note

55 – 57 Station Street and 6 Pritchard Street East, Wentworthville

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1 Introduction

This Explanatory Note has been prepared in accordance with clause 25E of the *Environmental Planning & Assessment Regulation 2000* (NSW).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Planning Agreement**) proposed to be entered into between the parties under section 7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

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 as follows:

- (1) Cumberland City Council (ABN 22 798 563 329) (**Council**).
- (2) Nucorp Constructions Pty Limited (ABN 27 154 897 024) (**Developer**).
- (3) R.C.R. Petroleum Pty Ltd (ABN 36 084 239 501), Edward Hirst Pty Limited (ABN 51 163 614 319) and the Owners - Strata Plan No. 19949 (ABN 87 464 692 345) (**Owners**).

3 Description of the Land

The land to which the Planning Agreement applies (collectively referred to as the **Land**) is set out in the table below.

Folio Identifier	Location
1A/DP305764	55 – 57 Station Street, Wentworthville NSW 2145
2A/DP305764	
3A/DP305764	
CP/SP19949	6 Pritchard Street East, Wentworthville NSW 2145
1/SP19949	
2/SP19949	
3/SP19949	
4/SP19949	
5/SP19949	
6/SP19949	

4 Description of the Development to which the Planning Agreement applies

The Developer and Owners are seeking an amendment of the *Holroyd Local Environmental Plan 2013(LEP)* to **6 Pritchard Street East and 55-57 Station Street, Wentworthville** in accordance with planning proposal number PP_2020_CUMBE_001_00 so as to allow those parts of the land presently zoned B2 Local Centre under the LEP to be changed as follows:

- (1) Increase the Floor Space Ratio control from 2:1 and 2.2:1 to **3:1 across the Land**.
- (2) Increase the Height of Building control from 10m, 17m and 20m to **41m at 55-57 Station Street and 17m and 23m at 6 Pritchard Street East**.
- (3) Amend Schedule 1 Additional Permitted Uses to permit a 100sqm ground floor private gymnasium for use by residents only.

(Collectively referred to as the **Instrument Change**).

The LEP has been amended by Amendment No. 18, which came into effect on 14 August 2020 after this document was negotiated. This amendment changes the planning controls under the LEP but does not otherwise change the nature or effect of the Instrument Change. It is both the Council and Developer's intention to acknowledge the LEP prior to the amendments on 14 August 2020 for the construction of this document.]

The Developer has offered to make the development contributions set out in the Planning Agreement if the Instrument Change is made.

The contributions to be provided by the Developer under the Planning Agreement are as follows:

- (1) The dedication of the whole of the land located at 6 Pritchard Street East contained in Certificate of Title Folio Identifiers 1/SP19949, 2/SP19949, 3/SP19949, 4/SP19949, 5/SP19949, 6/SP19949 and a part of 55- 57 Station Street, Wentworthville (120sqm) contained in part of 2A/DP305764 and 3A/DP305764 as identified in the Location Plan as open space for public purposes (**Dedicated Land**).
- (2) The following Works on the land to be dedicated to Council under the Planning Agreement:
 - (a) Demolition and removal of existing structures on the Designated Land.
 - (b) Removal of top soil and re-soiling with 80/20 soil mixture at a depth level of 300mm.
 - (c) Additional filling of land if required and land levelled in accordance with Council's standards and specifications.
 - (d) Supply and lay of quality turf in accordance with Council's standards and specifications.

(Collectively the **Contributions**).

The Planning Agreement contains schedules (being Schedules 3 and 4) setting out the specific details, timing and procedures for the dedication of the land and the carrying out of works.

5 Summary of contribution, objects, nature and effect of the Planning Agreement

The **objective** of the Planning Agreement is to therefore require the Developer to make the Contributions, so as to ensure that public benefits in the form of dedication of land for public purposes and the conduct of works on that land are provided by the Developer and Owner to ensure existing communities do not bear those costs.

The Planning Agreement does not exclude the application of ss7.11 and 7.12 of the Act to the Development, however under the Planning Agreement the Developer is entitled to an offset in an amount of \$975,000 with respect to contributions required to be paid in accordance with a condition of development consent imposed under s.7.11 of the Act.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer and Owners for the provision of Contributions to support the development of the land.

The **effect** of the Planning Agreement is that the Developer and Owners will contribute the Contributions to Council to allow assist in meeting the additional needs generated by the Development.

6 Whether the Planning Agreement specifies that certain requirements must be complied with before issuing of a construction certificate, occupation certificate or subdivision certificate

Both the dedication of the land and the conduct of the works on that land under the Planning Agreement must be undertaken prior to the issue of the first Occupation Certificate for the Development or 30 November 2026, whichever is earlier.

7 Assessment of the merits of the Planning Agreement

The Planning Agreement will provide certainty to the Developer and Council as to the provision of the Contributions, as a condition to Council consenting to the Instrument Change and Development sought by the Developer.

The Planning Agreement dedicates 1,040m² of land located at 6 Pritchard Street East and a small land part of 55- 57 Station Street (120m²) to Council to facilitate the expansion of existing Friend Park and the provision of a future through-site pedestrian link in accordance with Council's planned strategic vision and upgrades for Wentworthville Town Centre.

The Planning Agreement will provide a framework that will assist in facilitating:

- (1) the time period for Contributions to be completed;
- (2) the expenditure related to Contributions; and
- (3) the management, remediation, compliance and other requirements the Developer must adhere to in order to complete the Contributions,

in order for newly refurbished green space and a future pedestrian corridor to be dedicated to the local community.

The Planning Agreement also promotes and co-ordinates the orderly and economic use and development of the Land and provides Council with a means to monitor the planning impacts of the development.

8 The planning purposes served by the Planning Agreement

In accordance with the EPA Act, the Planning Agreement promotes the following public purposes:

- (1) The provision of public amenities or public services.
- (2) The funding of recurrent expenditure relating to the provision of public amenities or public services or other related infrastructure.

9 How the Planning Agreement promotes the public interest

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) The promotion of the orderly and economic use and development of land.
- (2) The provision of land for public purposes.
- (3) The Planning Agreement will not preclude the public being provided with the opportunity for involvement and participation in development assessment. The public have been provided the opportunity to be involved with the development assessment and are invited to make comment on the Planning Agreement, particularly with regard to the public interest.

10 How the Planning Agreement promotes the Guiding Principles for Councils

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

- (1) This Explanatory Note is prepared for the purposes of keeping the local community and the State government (and through it, the wider community) informed about its activities and to ensure that its decision-making is transparent.
- (2) To manage lands and other assets so that current and future local community needs can be met in an affordable way which provides the best possible value for residents and ratepayers.
- (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 promote the public interest by committing the Developer and Owners to make contributions towards meeting the diverse needs of the local community.

11 Identification of the planning purpose served by the Planning Agreement and whether the Planning Agreement provides for a reasonable means of achieving that purpose

The Planning Agreement satisfies the objective of providing and funding public amenities and to ensure that existing communities do not bear those costs.

The Planning Agreement provides a reasonable means of achieving that purpose by identifying Contributions and the timing of completion of the Contributions.

12 Identification of whether the Planning Agreement conforms with the Council's capital works program (if any)

Not applicable.

Is likely to contribute towards future planned development and public domain upgrades proposed within the existing Wentworthville Town Centre.
