

PLANNING AGREEMENT – Explanatory Note

Environmental Planning and Assessment Regulation 2021 (NSW) (EP&A Regulation) (Clause 205)

Planning Agreement for the provision of monetary contribution in lieu of on-site car parking spaces at 254 and 256 Liverpool Road, Enfield.

Under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (NSW)* (**EP&A Act**).

1. Parties

The parties to the Planning Agreement are:

- (1) Burwood Council (**Council**)
- (2) Appwam Pty Ltd (**Proprietor and Developer**)

2. Description of Subject Land

The land to which the Planning Agreement relates is as follows:

Folio Identifiers: Lot 12 and 13 DP 48472
Location: 254 and 256 Liverpool Rd, Enfield

3. Description of Proposed Change to Development

The Developer has lodged a Development Application (being DA2020/132) for the construction of a six (6) storey mixed use development containing a commercial premises at ground level and a new generation boarding house with twenty-seven (27) boarding rooms including manager's room and level one of basement car parking which provides a shortfall of four (4) Parking spaces.

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

[Clause 205(1)(a) of the EP&A Regulation]

The offer made by the **Proprietor** and **Developer** as set out in the Planning Agreement is based on the parking provisions of Burwood Council's Development Control Plan and is consistent with that provision.

The intent of the Planning Agreement is to ensure that the parking needs of the incoming population into the Burwood local government area are met.

The monetary contributions to be provided by the **Proprietor** and **Developer** under the Planning Agreement is an amount of \$212,220.00, payable on the date of execution of the agreement and before issue of any Construction Certificate.

5. Assessment of the Merits of the Planning Agreement

[Clause 205(1)(b) of the EP&A Regulation]

5.1 The planning purposes served by the Planning Agreement

The Planning Agreement serves the following planning purpose:

The monetary contributions paid by the **Proprietor** and **Developer** under this Planning Agreement will be used by **Council** to develop public car parking facilities within the Burwood Town Centre.

Whether the Planning Agreement provides for a reasonable means of achieving that purpose:

The planning provision enabling monetary contributions in lieu of parking on-site is contained within Burwood Development Control Plan, a publically exhibited document which was initially adopted by Council on 12 February 2013. The mechanism allows the aggregation of funds by Council for the provision of efficient and sensitively located public car parking facilities.

5.2 Promotion of the Public Interest

[Clause 205(2) of the EP&A Regulation]

The Planning Agreement promotes the public interest by:

Ensuring the orderly use and development of land by ensuring that the location and design of public car parking facilities function effectively and safely. The Planning Agreement provides for the provision of public car parking in lieu of private-use parking.

- a) The Planning Agreement promotes one or more of the objects of the EP&A Act as follows:
- (i) The proper management and development of land for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The provision and co-ordination of community services and facilities; and
 - (iii) Opportunities for public involvement and participation in environmental planning and assessment.

5.3 Capital Works Program

[Clause 205(2) of the EP&A Regulation]

Whether Council has a capital works program, and if so, whether the Planning Agreement conforms with or promotes that capital works program:

- Council has in place a capital works program, but the program does not, to date, identify public benefits within the Burwood Town Centre.
- Council has prepared a Burwood Community Facilities and Open Space Study which identifies works and improvements to community facilities and open space to be carried out as a direct result of development. These are known as public benefits. This study will inform the capital works program as it is reviewed annually where those public benefits will be included within the capital works program when and where sufficient funds are available.

5.4 Timing for the Delivery of the Proprietor and Developer's works or Public Benefits

The Planning Agreement requires the developer's public benefits to be completed upon the execution of the Planning Agreement, and prior to the issue of any Construction Certificate.