
Planning Agreement – 47-53 Pedestrian Mall, Villawood

Explanatory Note

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**) between the parties under s93F of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

Any words beginning with a capital letter below which are not otherwise defined in this Explanatory Note have the meaning ascribed to them in Part 1 of **Schedule 2** of the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Fairfield City Council (**Council**); and
- (2) Ming Tian Real Property Pty Limited (**Developer**).

3 Description of the Subject Land

The Planning Agreement applies to the land known as 47 and 53 Pedestrian Mall, Villawood Place, Villawood (collectively referred to as the **Land**) and which is contained in the following folio identifiers:

Folio Identifier
2/500367
1/500367

4 Description of the Development

The development involves the development of the Land in accordance with DA/0261/2015 including the development of a six (6) storey building to be used for commercial purposes on the ground floor and residential units on the floors above (**Development**).

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

The Planning Agreement provides that the Developer will make the following contributions:

- (1) Construction of the undeveloped portion of Howatt Street as a public road and associated infrastructure.
- (2) Relocation and realignment of footpath affected by the extension of Howatt Street.

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- (3) Construction of corner section linking Howatt Street and Kamira Court as a public road and associated infrastructure.
 - (4) Construction of the undeveloped portion of Kamira Court through to the intersection with Howatt Street as a public road and associated infrastructure.
 - (5) Relocation of the Playground.
 - (6) Relocation of the Amenities Block.
 - (7) A monetary contribution towards the Kamira Court Acquisition.

(Collectively referred to as the **Development Contributions**).

The Planning Agreement contains two schedules (being Schedule 3 and Schedule 4) setting out the timing and procedures for the delivery of the Development Contributions.

The objective of the Planning Agreement is to facilitate the delivery of the Development Contributions and to make provision for infrastructure to meet certain demands created by the Development and to ensure that existing communities do not bear those costs.

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

The effect of the Planning Agreement is that the Developer will contribute the Development Contributions in the manner provided for by the Planning Agreement.

6 Assessment of the merits of the Planning Agreement

6.1 The planning purposes served by the Planning Agreement

The Planning Agreement satisfies the objective of making provision for infrastructure to meet certain demands created by the Development and to ensure that existing communities do not bear those costs.

In accordance with section 93F(2) of the EPA Act, the Planning Agreement promotes the following public purpose:

- (1) the provision of public amenities and public services; and
- (2) the monitoring of the planning impacts of development of the Land.

6.2 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 proper management and development of land;
- (2) the promotion and co-ordination of the orderly and economic use and development of land; and
- (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.

These purposes represent an important public benefit, and the Developer's offer to contribute towards these purposes will provide an important positive impact on the public who use the infrastructure and services to which these purposes relate.

6.3 How the Planning Agreement promotes the Guiding Principles for Councils

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) 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 provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
 - (5) To recognise diverse local community needs and interests.
 - (6) To have regard to the long term and cumulative effects of its decisions on future generations.
 - (7) To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
 - (8) To engage in long-term strategic planning on behalf of the local community.
 - (9) To promote the public interest by committing the Developer to make contributions towards local infrastructure.
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