

Explanatory Note

Draft Planning Agreement

Lots 1 & 2 DP 504760: 220 – 230 Northumberland Street, Liverpool

Introduction

The purpose of this explanatory note is to provide a summary of the exhibited planning agreement between owners of the subject land being Lorenzo Biordi, Daniel Biordi and Francesca Biordi (“Landowners”) and Liverpool City Council (“Council”) (the “planning agreement) prepared under Subdivision 2 of Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979 (“The Act”).

This explanatory note has been prepared jointly by the parties in accordance with Clause 25E of the Environmental Planning and Assessment Regulation 2000.

Parties to the Draft Planning Agreement

The parties to the Planning Agreement are the Landowners and Council.

The Landowners have made an offer to enter into the Planning Agreement with Council in connection with Development Application DA-490/2013 (“The Development Application”).

Description of the Subject Land

The Planning Agreement applies to the land within the Certificate of Title Folio Identifiers as follows:

Lot Description	Address
Lots 1 & 2 DP 504760	220-230 Northumberland Street, Liverpool

Description of the Development Application

The Development Application proposes the demolition of existing structures and the erection of a seven storey commercial building on the subject site. A development of the type proposed will generate a demand for car parking spaces.

Ordinarily, a development of this type would need to incorporate on-site parking to obtain development consent. However, due to the constraints of the site and planning controls, the provision of car parking for the development on-site is not practicable.

The applicant has instead proposed to enter into a planning agreement and to provide a monetary contribution to be attributed to existing contribution plans that are utilised by Council to provide public car parking facilities.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The Planning Agreement is proposed to be entered into in connection with the Development Application.

The Planning Agreement includes a provision whereby the Landowners will make a contribution of \$235,445.00 to Council (“Monetary Contribution”). This contribution

will be attributed to existing contributions plans that will be utilised by Council to acquire land and construct public car parking facilities within the Liverpool Local Government Area.

The Monetary Contribution must be provided by the Landowners to Council prior to the issue of any Construction Certificate for the development.

Assessment of the Merits of the Draft Planning Agreement

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

- (a) The provision of public amenities or public services.

The monetary contributions in this Planning Agreement will be attributed to existing contributions plans and will be utilised to acquire land and construct public car parking facilities within the Liverpool Local Government Area.

How the Planning Agreement promotes the elements of Council's Charter

The Planning Agreement promotes the following elements of Council's charter under Section 8 of the Local Government Act 1993 as follows:

- 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;
- To have regard to the long term and cumulative effects of its decisions; and
- To engage in long-term strategic planning on behalf of the local community.

Planning purposes served by the Planning Agreement

Council's existing contributions plans allow Council to utilise funds provided by Landowners to acquire land and construct public car parking facilities. This ensures that Council is able to undertake strategic planning and the provision of facilities as identified as part of Council's works program. By requiring a monetary contribution that will be attributed to these contributions plans, the Planning Agreement will contribute to Council achieving this purpose.

Whether the Planning Agreement conforms with Council's Works Program

The Planning Agreement provides funds to be utilised under existing contribution plans for the provision of car parking facilities.

Whether the agreement specifies certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Planning Agreement requires that the Monetary Contribution must be provided by the Landowner to Council prior to the issue of any Construction Certificate for the development.

Interpretation of the Planning Agreement

This explanatory note is not to be used to assist in construing the Planning Agreement.