EXPLANATORY NOTE PURSUANT TO SECTION 205 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

290-294 Botany Road, Alexandria

Development Application No. D/2026/162

Background

In February 2026, the City received a concept development application for 290-294 Botany Rd, Alexandria (**Land**).

A public benefit offer was made by the property owner to enter into a Planning Agreement in relation to the development application for the dedication of land and embellishment works to create a widened footpath and a monetary contribution towards other community infrastructure in the Green Square urban renewal area.

The purpose of this explanatory note is to provide a summary to support the notification of a Planning Agreement, under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**Act**) by meeting the statutory requirements of section 205 of the *Environmental Planning and Assessment Regulation 2021* (**Regulation**).

This explanatory note has been prepared jointly by the parties

The public benefits do not exclude the developer or owner (as the case may be) from paying monetary contributions under s.7.11, 7.12 or 7.24 of Act.

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

1. Parties to the Planning Agreement

The parties to the Planning Agreement are Angreb Pty Ltd and Sentra Investments Pty Ltd (**Owner**) and the Council of the City of Sydney (**Council**).

2. Background to the Planning Agreement

The Sydney Local Environment Plan 2012 (**LEP**) limits the Floor Space Ratio (**FSR**) on the site. Clause 6.14 of the LEP allows an additional FSR where a development provides community infrastructure.

The Development Guidelines - Providing Community Infrastructure in Green Square (December 2012) state that public benefit works within Green Square for community infrastructure should be provided to a value of $\$275/m^2$ for additional retail floor space and $\$475/m^2$ for additional residential floor space.

3. Summary of the Objectives, Nature and Effect of the Proposed Agreement

The objective of the Planning Agreement is to secure public benefits in connection with the development application for the Land.

The nature of the Planning Agreement is to provide the dedication of $102.8m^2$ of land for a 2.4m footpath widening, developer's works to construct the widened footpath and a monetary contribution of $1,690,047 towards community infrastructure in the Green Square urban renewal area.

4. Assessment of the Merits of the Proposed Agreement

(a) How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement promotes the objects of the Act, in particular objects identified in Section 1.3 (c) and 1.3(g) of the Act which is to promote the orderly and economic use and development of land and to promote good design and amenity of the built environment. The agreement will provide a contribution towards community infrastructure which will support and service the existing and future population and will contribute to greater amenity and infrastructure of those areas.

(b) How the Planning Agreement promotes the elements of the Council's principles and objects under the Local Government Act 1993

The Planning Agreement promotes a number of elements of the principles for local government under Chapter 3 of the *Local Government Act* 1993 (NSW). In particular, the Planning Agreement through the delivery of the public benefits allows Council to

(i) 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;

(ii) exercise community leadership;

(iii) properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;

(iv) 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;

(v) engage in long-term strategic planning on behalf of the local community; and

(vi) keep the local community and the State government (and through it, the wider community) informed about its activities.

The Planning Agreement promotes the following purpose under section 7(e) of the *Local Government Act 1993* (NSW), namely providing for a system of local government that is accountable to the community and that is sustainable, flexible and effective.

(c) The impact of the Planning Agreement on the public or any section of the public

The Planning Agreement will benefit the public and local community as it will improve community infrastructure in the immediate vicinity of the site as part of the Green Square urban renewal area.

(d) Whether the Planning Agreement conforms with Council's capital works program

Yes. The Planning Agreement conforms with Council's capital works program.

(e) The planning purpose or purposes of the Planning Agreement

The Planning Agreement will serve the planning purpose by enhancing the public domain and local infrastructure to reflect the changing nature of the area and the needs of the anticipated incoming population.

It is considered that the Planning Agreement provides for a reasonable means by which to achieve these planning purposes given the extent of the statutory tools that are available to Council by which it can deliver the proposed public benefits.

(f) Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates.

The following requirements of the Agreement must be complied with before:

(i) **A construction certificate is issued**: Payment of monetary contribution and provision of guarantee.

(ii) **An occupation certificate is issued:** Completion of developer's works and dedication of transfer land.

(iii) **A subdivision certificate is issued:** Completion of developer's works.