*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E of the Regulation)

**EXPLANATORY NOTE**

**DRAFT PLANNING AGREEMENT**

Under section 93F of the *Environmental Planning and Assessment Act 1979* (**the Act**)

**PARTIES**

**City of Canterbury-Bankstown Council** ABN 45 985 891 846of 137 Beamish Street, Campsie, NSW 2194 (**Council**)

**Dyna Constructions Pty Limited** of Level 3, 8-10 King Street, Rockdale, NSW 2216

(**Developer**) of Lot 35 and 36 Section A in DP 2785)

**DESCRIPTION OF LAND TO WHICH THIS DRAFT PLANNING AGREEMENT APPLIES**

Lots 35 and 36 DP 2785 being land at 297-299 Canterbury Road, Canterbury (**Land**)

**DESCRIPTION OF DEVELOPMENT APPLICATION**

On 17 March 2016 the Developer lodged Development Application DA 127/2016 in relation to the Land. The Land and Environment Court of New South Wales made orders on 25 November 2016 granting consent to the DA subject to conditions (**Consent**). The deferred commencement condition 1A of the Consent required that the Developer enter a Planning Agreement pursuant to section 93F of the Act.

**SUMMARY OF OBJECTIVES, NATURE AND EFFECT OF THE DRAFT PLANNING AGREEMENT**

The Objectives, Nature and Effect of the Draft Planning Agreement is to provide for laneway widening at the Land in return for an offset in section 94 contributions in the amount of $150,000.00.

**ASSESSMENT OF THE MERITS OF THE DRAFT PLANNING AGREEMENT**

**THE PLANNING PURPOSES SERVED BY THE PLANNING AGREEMENT**

The Planning Agreement reasonably provides for the achievement of the following planning purposes:

* to provide for a continuous network of rear laneways to be completed in the short term; and
* to promote the orderly and economic use and development of the Land to which the agreement applies.

**HOW THE DRAFT PLANNING AGREEMENT PROMOTES THE PUBLIC INTEREST**

The development will allow for vehicles accessing adjoining sites and other road users to utilise a functional laneway along the Land when redeveloped. It provides for local development in a manner that results in a broader public benefit and will ensure that the development functions properly.

**HOW THE PLANNING AGREEMENT PROMOTES THE ELEMENTS OF THE COUNCIL’S CHARTER**

The Planning Agreement, by making provision for laneway widening at the Land in return for an offset from section 94 contributions, benefits the wider community and promotes the following elements of the Council’s charter:

* Manage lands and other assets so that current and future local community needs can be met in an affordable way.

**WHETHER THE PLANNING AGREEMENT CONFORMS WITH THE AUTHORITY’S CAPITAL WORKS PROGRAM**

The Planning Agreement is consistent with Council’s Capital Works Program.