

# Draft Planning Agreement

## Citiline Unit Trust and Canterbury Bankstown Council

### Explanatory Note

#### 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**).

It has been prepared jointly by the parties as required by clause 25E of the Regulation.

#### 1 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Canterbury-Bankstown City Council (**Council**); and
- (2) Citiline Unit Trust (**Developer**).

#### 2 Description of the Subject Land

The land to which the Planning Agreement relates to is Lots 7-8 DP 8851, known as 702-704 Canterbury Road, Belmore. The land is shown on the map on the next page.



### 3 Summary of objects, nature and effect of the Planning Agreement

The intent of the Planning Agreement is to provide for the extension of Timothy Lane by way of extension of the existing laneway across the rear of the subject site and to dedicate this land to Council as public road.

The terms of the VPA require the Developer to:

- Construct the extension of the road pavement in Timothy Lane by 6.095m by 6.095m and to then dedicate an area of land measuring 6.095m to 6.095m to Council to facilitate Timothy Lane becoming a road reserve.

## **4 Assessment of the merits of the Planning Agreement**

### **4.1 The planning purposes served by the Planning Agreement and whether it provides for a reasonable means of achieving that purpose**

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.
- (2) The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The proposed agreement provides a reasonable means of achieving this purpose. The enforcement measures are that the works must be provided before the issue of any Occupation Certificate for the development. The VPA is also to be registered on title of the land to ensure that any future owner is aware of its existence.

### **4.2 How the Planning Agreement promotes the public interest**

The Planning Agreement promotes the public interest by requiring the Developer to carry out a range of works for public purposes that will have a public benefit by improving road transport infrastructure in the locality and improving transport connectivity.

Further, and in accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) The proper management, development and conservation of land.
- (2) The promotion and co-ordination of the orderly and economic use and development of land by ensuring that laneway access is facilitated and to cater for additional traffic;
- (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.

### **4.3 How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the objects of the Act by:

- (1) The proper management, development and conservation of land.
- (2) The promotion and co-ordination of the orderly and economic use and development of land by ensuring that laneway access is facilitated and to

cater for additional traffic

#### **4.4 How the Planning Agreement promotes the elements of Council's charter**

The Planning Agreement promotes a number of elements of Council's Charter under section 8 of the *Local Government Act 1993* (NSW), as follows:

- (1) The exhibition of the Planning Agreement facilitates the involvement of members of the public, while Council staff were involved in the development of the Planning Agreement.
- (2) 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.
- (3) The Planning Agreement makes it clear that Council has a statutory role as consent authority for development and that the Planning Agreement is not intended to unlawfully influence the exercise of its regulatory functions, ensuring that Council will act consistently and without bias, particularly where an activity of the Council is affected.
- (4) To have regard to the effects of its planning decisions by ensuring that the road layout and network functions effectively;

#### **4.5 How the Planning Agreement conforms with Council's capital works program**

The proposed laneway extension and construction is not specifically identified in Canterbury Development Contributions Plan 2013 or other Council capital works program. The infrastructure provided through the agreement however will allow for the future extension of Timothy Lane, and also provide suitable vehicular access to the adjoining development.

#### **4.6 How the Planning Agreement relates to Construction, Occupation or Subdivision Certificates**

There are no requirements in the draft VPA relating to construction and subdivision certificates.

The laneway dedication and construction works are to be provided before the issue of any occupation certificate for the development.