

**Explanatory Note**  
**Exhibition of draft Voluntary Planning Agreement**  
**5-9 Croydon Street, Lakemba**

*Environmental Planning & Assessment Regulation 2000 (clause 25E)*

**Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (**Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

**1. Parties to the Planning Agreement**

The Parties to the Planning Agreement are:

- 1) Canterbury Bankstown Council (**Council**)
- 2) Eloura Holdings Pty Ltd, Samstone Pty Limited, Sam Harb Pty Limited and ACN 155 450 865 Pty Ltd (**Developer and Landowner**) and the City of Canterbury Bankstown Council (**Council**).

**2. Description of the Subject Development Site**

The land to which the Planning Agreement relates is set out in the table below:

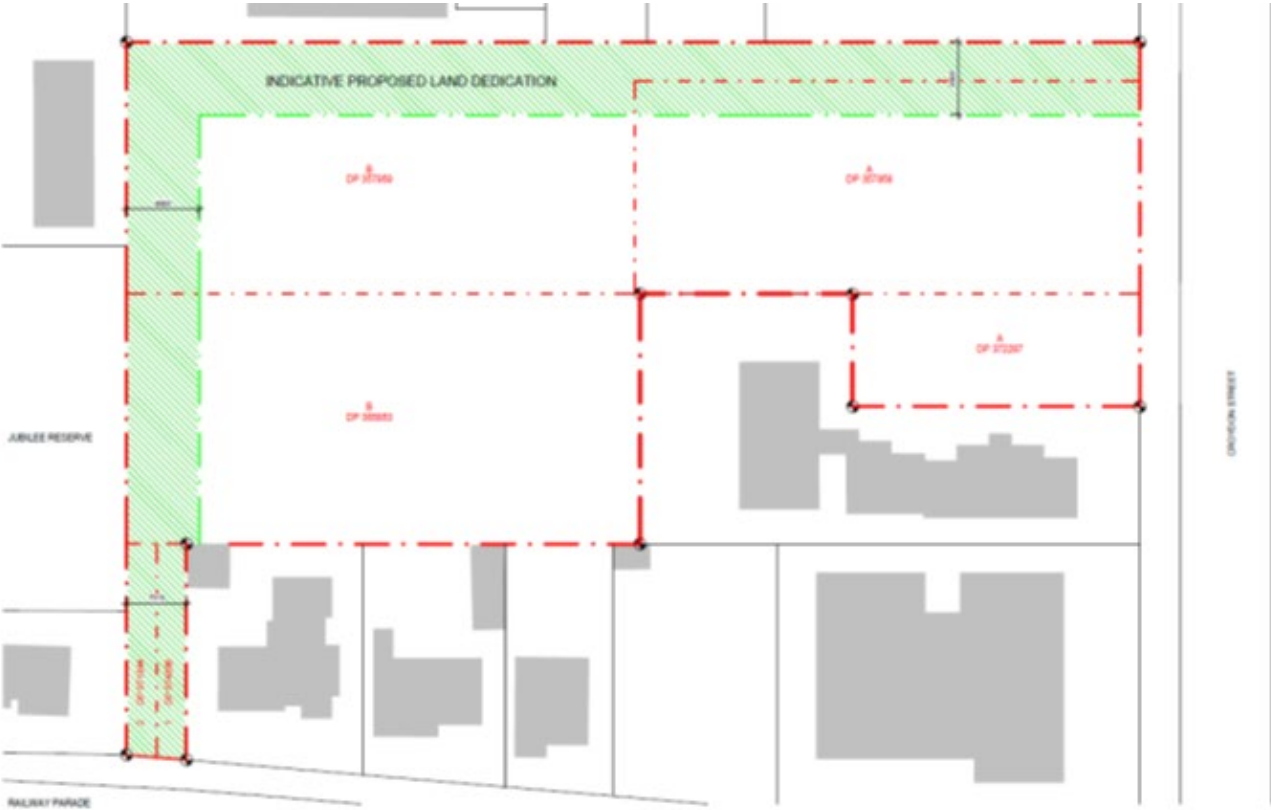
<b>Folio Identifier</b>	<b>Location</b>
Lot 1 DP 974686, Lot 2 DP 971844, Lot B DP357959 and Lot B DP365853	5-7 Croydon Street, Lakemba
Lot A DP 357959	7A Croydon St, Lakemba
Lot A1 DP 372287	9 Croydon Street Lakemba

**3. Summary of Objectives, Nature and Effect of the Planning Agreement**

The intent of the planning agreement is to dedicate a new laneway 8.9m wide along the full length of the northern and western boundaries of the subject site as part of any future redevelopment of the site, and to dedicate this land to Council as public road.

The planning agreement is to be entered into prior to the progressing of a planning proposal to increase building heights and the floor space ratio of the development site.

The Development Site and the land on which the Road Works will be located and to be dedicated to Council generally as shown on the map (in green hatching) below.



**4. Assessment of Merits of Planning Agreement**

**4.1 The Planning Purpose of the Planning Agreement**

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purposes:

- a) the provision of transport and other infrastructure relating to land.

The Developer and the Council have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above.

**4.2 How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by requiring the Developer to carry out the Road Works for public purposes and dedicate the Land to the Council, which will have a public benefit to improve the pedestrian permeability and ensure adequate service vehicle access contributing to the local road network that will serve the Development Site.

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

The Planning Agreement promotes the objects of the Act by encouraging:

- a) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- b) the promotion and co-ordination of the orderly and economic use and development of land; and
- c) the provision of land for public purposes.

#### **4.4 How the Planning Agreement Promotes the Elements of the *Local Government Act 1993* and the Guiding Principles for Councils**

The Planning Agreement promotes the guiding principles for councils under section 8A of the *Local Government Act 1993* (NSW) by assisting Council to:

- carry out functions in a way that provides the best possible value for residents and ratepayers;
- manage lands and other assets so that current and future local community needs can be met in an affordable way;
- work with others to secure appropriate services for local community needs; and
- manage lands and other assets so that current and future local community needs can be met in an affordable way.

#### **4.5 Conformity with the capital works program**

The Council's capital works program does not include works forming part of the Development Contribution. However, since section 7.11 development contributions remain payable as part of the Proposed Development, the Planning Agreement has no negative effect on Council's ability to deliver on its capital works program.

#### **4.6 Requirements relating to Construction and Occupation Certificates**

The Development Contribution is to be provided to Council prior to the issue of any Occupation Certificate for the Development.