

Planning Agreement – Lot 101 Bensley Road, Ingleburn

Explanatory Note

1 Introduction

This Explanatory Note has been prepared jointly between the parties in accordance with clause 205 of the *Environmental Planning & Assessment Regulation 2021* (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 s7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Campbelltown City Council (ABN 31 459 914 087) (**Council**).
- (2) Ankira Projects Croatia Avenue Pty Ltd (ABN 19 614 604 750) (**Developer**).

3 Description of the Subject Land

The land to which the Planning Agreement applies, and to which the Planning Agreement will be registered, is set out in the table below (**Land**).

Folio Identifier	Location
Lot 101 in Deposited Plan 1259735	Lot 101 Bensley Road, Ingleburn

4 Description of the Development

The development to which the Planning Agreement relates is the development generally described in the development consent issued for development application number 2130/2020/DA-SW on 1 December 2022, consisting of:

- (1) Subdivision to create twelve (12) residential allotments;
- (2) Subdivision to create temporary stormwater management facility;
- (3) Vegetation removal
- (4) Road drainage; and
- (5) Services and retaining wall works

(**Development**).

5 Summary of objects, nature and effect of the Planning Agreement

The **objective** of the Planning Agreement is to provide community infrastructure, amenities and resources to the Campbelltown community by facilitating the delivery of the development contributions as set out in **Schedule 3 (Monetary Contributions)** in a timely and efficient manner.

Specifically, the Development is required to provide a stormwater management facility. The intent is for a single catchment-based stormwater management facility (Ultimate Infrastructure) to be located downstream of Lot 101 and within Lot 93 in DP 1296271. However, at the time of assessment of the development application, Lot 93 was neither created nor in the ownership of Campbelltown City Council. Accordingly, a temporary stormwater management facility has been designed and constructed within Lot 101 and this Planning Agreement supports the construction, operation, maintenance, decommissioning and removal of the temporary stormwater management facility and provides the funds to link the stormwater from Lot 101 to Lot 93 and the Ultimate Infrastructure, including this developments' share of the costs to construct the Ultimate Infrastructure.

The **intent** and **effect** of the Planning Agreement is to facilitate the provision of the Contribution by the Developer Contributions in the manner provided for by the Planning Agreement.

The Planning Agreement will be registered on the title to the Land.

As security for the Developer's obligations to make the Contribution, Council will be able to withhold Subdivision Certificates for the Development until such time as those Contributions are made.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Contribution.

The **effect** of the Planning Agreement is that the Developer will provide the Contributions in the manner provided for by the Planning Agreement (as applicable) and as set out in **Schedule 3**

6 Assessment of the merits of the Planning Agreement

6.1 The planning purposes served by the Planning Agreement

In accordance with section 7.4 of the EPA Act, the Planning Agreement promotes the following public purposes:

- (1) Provision of monetary contributions to accommodate and meet the demands of future development and to mitigate the potential impacts of the Development on existing infrastructure.
- (2) Enables the Land to be developed in a timely and efficient manner to promote economic development and employment opportunities.

6.2 How the Planning Agreement promotes the public interest

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

- (1) By providing certainty for the Developer and Council as to the provision of the Contribution directed towards community infrastructure within the Campbelltown community.
- (2) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment, and are invited to make comment on the Planning Agreement.

6.3 How the Planning Agreement promotes Council's guiding principles

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

- (1) The exhibition of the Planning Agreement facilitates the involvement of members of the public in the consultation process for the Planning Agreement;
- (2) To plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community;
- (3) To act fairly, ethically and without bias to the interests of the local community;
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) To engage in long-term strategic planning on behalf of the local community;
- (7) To 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.
- (8) The Planning Agreement makes it clear that Council has a statutory role as consent authority in relation to the development proposal and that the Planning Agreement is not intended to unlawfully influence the exercise of Council's regulatory functions.

7 Identification of whether the Planning Agreement conforms with the Council's capital works program

The Planning Agreement conforms to Council's capital works program.