

## EXPLANATORY NOTE

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### Context

Development Application DA-2019/395/1 was approved by the NSW Land and Environment Court on 20 January 2021 the construction of a four-storey building comprising two business tenancies and six shop top housing dwellings with basement parking, landscaping and communal open space. The development was approved with a condition for the applicant to enter into a Planning Agreement for the payment of a monetary contribution to Council in the sum of \$75,000 in lieu of 3 commercial vehicle parking spaces that could not be provided on the site due to the site's constraints. It is noted that the development did not propose any uplift as part of the proposed offer to Council.

### Proposed Draft Planning Agreement

The proposed Draft Planning Agreement is for the payment of a monetary contribution in the sum of \$75,000 in lieu of 3 commercial vehicle parking spaces that could not be provided on the site. Further details of the draft planning agreement is also provided in Attachment 1.

Council's solicitors and officers have undertaken a review of the draft planning agreement and are satisfied that it is consistent with Council's Planning Agreements Policy.



Figure 1 – Proposed development highlighted in red

### Public Benefit

The proposed draft planning agreement would provide a public benefit given that the contribution is to be put towards the future provision and/or upgrading of public, commuter car parking or public transport facilities within the local government area. The monetary contribution is payable prior to the release of the construction certificate for the development. The agreement does not exclude the application of Section 7.11 Contributions.