

## **Planning Agreement under Section 93F of the *Environmental Planning and Assessment Act 1979***

### **For the provision of Public Car Parking in the Bega Valley Local Government Area**

#### **EXPLANATORY NOTE**

**130 Imlay St, Eden. (Lot 1 DP244127)**

#### **Introduction:**

This Explanatory Note has been prepared in accordance with clause 25E of the *Environmental Planning and Assessment regulation 2000*.

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement between the parties under Section 93F of the *Environmental Planning and Assessment Act 1979*.

#### **Parties to the Planning Agreement:**

The parties to this planning agreement are:

**Mr Sandy Benic, of 34 Russell St, Oatley, NSW, 2223** (“the Developer”)

And

Bega Valley Shire Council, PO Box 492, Zingel Place Bega NSW 2550 (“the Council”)

#### **Subject Land:**

The land to which the planning agreement relates is **130 Imlay St, Eden (Lot 1 DP244127)**

#### **Objectives, Nature and Effect of the Planning Agreement:**

The objective of the planning agreement is to ensure that the car parking needs of the Bega Valley Local Government Area’s population relating to commercial and retail activities are met.

The nature of the planning agreement is a monetary contribution to be provided by the Developer on the following basis:

- The total car parking spaces required by this development is **10**. The development currently proposes **8** car spaces on the site with a shortfall of **2** to be addressed by a planning agreement.

The contribution per parking space as determined by Council is **\$19,480** (indexed to the CPI) in accordance with the Bega Valley Shire Council Planning Policy 2015.

The effect of the planning agreement is a monetary contribution towards the provision of public car parking in the Bega Valley Local Government Area.

#### **Merits of the Planning Agreement**

##### **1. Public Interest**

The planning agreement will have a positive impact on the public as identified in Section 93F of the *Environmental Planning and Assessment Act 1979* by:

- facilitating the provision of (or the recoupment of the cost of providing) public amenities or public services.

##### **2. Environmental Planning and Assessment Act 1979**

The planning agreement promotes the following objects of the *Environmental Planning and Assessment Act 1979* to:

- encourage the proper management and development of towns and villages for the purpose of promoting the social and economic welfare of the community,
- encourage the promotion and co-ordination of the orderly and economic use and development of land,
- encourage the provision of land for public purposes,
- encourage the provision and co-ordination of community services and facilities, and
- provide increased opportunity for public involvement and participation in environmental planning and assessment.

### **3. Council's Charter**

The planning agreement promotes the following elements of Council's Charter under Section 8 of the *Local Government Act 1993* to:

- provide, after due consultation, adequate, equitable and appropriate services and facilities for the community,
- 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, and
- keep the local community and the State government (and through it, the wider community) informed about its activities.

### **4. Planning Purpose**

The planning purpose served by the planning agreement is to fund the provision of public car parking in the Bega Valley Local Government Area. The planning agreement provides for a reasonable means of achieving the planning purpose.

### **5. Council's Capital Works Program**

The planning agreement conforms to Council's capital works program as the monetary contribution to be provided by the Developer will be used to fund works identified in Council's Operational Plan, Delivery Plan or Long Term Financial Plan.

### **6. Compliance**

The planning agreement specifies that certain requirements of the planning agreement must be complied with before a construction certificate is issued.