



Appendix

(Clause 36)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

See the following pages.



2 Percy Street, Auburn Planning Agreement

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

City of Cumberland City Council ABN 22 798 563 329 of PO Box 42 MERRYLANDS NSW 2160 (**Council**)

and

Australian Turkish Maarif Foundation Limited of 2 Percy Street, Auburn NSW 2144 (**Developer**)

and

Gallipoli Education Solutions Limited of 2 Percy Street, Auburn NSW 2144 (**Developer and Landowner**)

Description of the Land to which the Draft Planning Agreement Applies

This draft Planning Agreement applies to the land identified as part Lots 14-21 DP 2647, Lot 1 in DP 76735 and Lot 1 in DP721683 and shown on the Location Plan.

Description of Proposed Development

This draft Planning Agreement applies to the LEP Amendment which amend the maximum height of buildings control for the Land and made educational establishments permissible on the Land, and the Development to be carried out pursuant to the SSD Consent (as modified or substituted from time to time under the Act).

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objectives of the Draft Planning Agreement are to provide funding for public domain improvements/upgrades and open space providing public benefit in accordance with the proposed Wyatt Park Masterplan upgrade in Auburn.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s7.4 of the EPA Act. It is a voluntary agreement, under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4(2) of the EPA Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- requires the Developer to make monetary development contributions,
- relates to the taking LEP Amendment and the carrying out by the Developer of the Development,
- does not exclude the application of s 7.11 and s7.12 of the EPA Act to the Development,
- does not exclude the application of s 7.24 of the EPA Act to the Development,
- is to be registered on the titles to the Land,
- imposes restrictions on the Developer and Landowner transferring the Land or part of the Land or assigning an interest under the Agreement prior to registration of the agreement,
- provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales, provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which the Planning Agreement applies,



- captures the shared uplift value of land through the delivery of public services and public amenities.

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to make monetary contributions to Council, to facilitate public domain improvements upgrades and open space.

How the Draft Planning Agreement Promotes the Public Interest

The Draft Planning Agreement promotes the public interest by:

- promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and
- enabling the funding and provision of public domain improvements and public facilities for the benefit of the public and to address demand arising from the Development.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the guiding principles for councils (formerly Elements of the Council's charter)

The Draft Planning Agreement promotes the guiding principles for local councils:

- the management of lands and other assets so that current and future local community needs can be met in an affordable way,
- working with others to secure appropriate services for local community needs,
- promoting Council's long-term strategic planning on behalf of the local community.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

Yes, the Draft Planning Agreement conforms with the Council's capital works program as the program identifies public domain upgrades and open space upgrades as a category of works.

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

This Draft Planning Agreement contains requirements that must be complied with before Construction Certificates are issued.



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