

# **Explanatory Note**

## **Draft Voluntary Planning Agreement**

### **Lot 12 DP 1021340, Hall Street, Pitt Town**

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

The purpose of this Explanatory Note is to provide a plain English summary to support the notification, in accordance with section 93G of the *Environmental Planning and Assessment Act 1979* (the Act), of a draft Voluntary Planning Agreement (draft VPA) under section 93F of the Act.

This Explanatory Note is not to be used to assist in construing the draft VPA.

#### **The Parties**

The Parties subject to this draft VPA are as follows:

Hawkesbury City Council (ABN 54 659 038 834) ("Council")

Mr Philip Thomas Cleary ("the Developer")

#### **Description of Subject Land**

This draft VPA applies to Lot 12 DP 1021340, Hall Street, Pitt Town.

#### **Summary of objectives, nature and effect of the Planning Agreement**

The draft VPA is complementary to a Development Application (Council reference DA0832/14) for the staged subdivision of the subject land to create 11 residential allotments and one open space allotment.

The objective, nature and effect of the draft VPA is for the Developer to provide Council with a cash contribution of \$13.57 per square metre of each residential allotment. The contributions collected by Council are to be expended on the provision of stormwater infrastructure including land acquisition, trunk drainage and basin construction.

The cash contribution must be paid to Council, prior to the issue of the Subdivision Certificate, on a 'pro-rata' basis and subject to adjustment due to changes in the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that

might replace it. The pro-rata payment calculation is to be based on the square metre size of the residential allotments included in the Subdivision Certificate for the relevant stage.

### **Assessment of the merits of the Planning Agreement**

The merits of the draft VPA are that it will provide Council with cash contributions for the provision of stormwater infrastructure including land acquisition, trunk drainage and basin construction.

The draft VPA will have a positive impact on the public in that it will enable the provision of stormwater infrastructure and for the orderly and economic development of the subject land.

### **How does the Planning Agreement promote the public interest and one or more of the objects of the Act?**

The draft VPA promotes the public interest by ensuring that cash contributions are made for the provision of stormwater infrastructure that is required as a consequence of development of the subject land.

The draft VPA promotes the following objects of the Act through the provision of cash contributions to be used for the stormwater infrastructure:

- To encourage 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 (Section 5(a)(i))
- To encourage the promotion and co-ordination of the orderly and economic use and development of land (Section 5(a)(ii))
- To encourage the provision of land for public purposes (Section 5(a)(iv))
- To encourage the protection of the environment (Section 5(a)(vi))

### **How does the Planning Agreement promote the objects of the Local Government Act 1993?**

By requiring the payment of cash contributions, the draft VPA provides Council with the ability to provide stormwater infrastructure appropriate to the development of the subject land and needs of the community and also provides Council with a role in the management, improvement and development of resources in the area.

In this way, the draft VPA promotes the purposes set out in section 7(d) of the *Local Government Act 1993*.

**How does the Planning Agreement promote the elements of Council's Charter under Section 8 of the Local Government Act 1993?**

The draft VPA makes provisions for Council to receive cash contributions that can be used for the provision of stormwater infrastructure, hence the draft VPA promotes the following elements of Council's Charter under Section 8 of the *Local Government Act 1993*:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to have regard to the long term and cumulative effects of its decisions
- 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
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

**What are the planning purposes served by the Planning Agreement?**

The planning purpose of the draft VPA is to enable the collection of contributions that can be used for the provision of stormwater infrastructure required as a result of the proposed development of the subject land.

The agreement will only operate if and when Developer seeks to subdivide the subject land. If the proposed development does occur then the planning purpose will be achieved. If the proposed development does not occur the planning purpose will not be achieved nor will it be required.

**Does the Planning Agreement conform with Council's Capital Works Program?**

The contributions collected will be used to provide stormwater infrastructure that is supplementary and consistent with Council's current capital work program.

**Does the agreement specify certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?**

Yes, clause 9 of the draft VPA states:

*The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the square metre size of the Residential Allotments included in the Subdivision Certificate for the relevant stage.*

29 April 2016