



Explanatory Note –Voluntary Planning Agreement

Lot 2 DP 607906, 396 Bells Line of Road, Kurmond

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 Voluntary Planning Agreement (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 VPA are as follows:

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

101 Group Pty Ltd (ACN 142 599 291) ("the Developer")

Description of Subject Land

This VPA applies to Lot 2 DP 607906, 396 Bells Line of Road, Kurmond

Summary of objectives, nature and effect of the Planning Agreement

The VPA is complementary to a proposed amendment to Hawkesbury Local Environmental Plan 2012 which will enable the development of the site for approximately 32 large residential allotments.

The objective and effect of the VPA is for the Developer to provide Council with cash contributions towards the provision of public services and amenities, required as a result of the proposed development. The cash contribution amount is identified within the VPA.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. The agreement excludes the application of section 94A and section 94 of the Act to the proposed development of the site.





Assessment of the merits of the Planning Agreement

The merits of the VPA are that it will provide Council with cash contributions to provide for additional community facilities and public works in the locality and in the district. In the absence of an adopted Section 94 developer contributions plan for the area, this VPA will deliver a cash injection of \$960,000, at a rate of \$30,000 per lot.

The VPA will have positive merits as it will provide significant public benefits, 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 VPA promotes the public interest by ensuring that cash contributions are made for the provision of additional facilities and works which are required by the community as a consequence of the development.

The VPA promotes the following objects of the Act through the provision of cash contributions to be applied to community facilities and public works within the area:

- 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 protection, provision and co-ordination of communication and utility services, (Section 5(a)(iii))
- To encourage the provision of land for public purposes, (Section 5(a)(iv))
- To encourage the provision and co-ordination of community services and facilities, (Section 5(a)(v))
- The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, (Section 5(a)(vi))

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

By requiring the provision of cash contributions the VPA provides Council with the ability to provide facilities appropriate to the needs of the incoming community and also provides Council with a role in the management, improvement and development of natural resources in its area

In this way, the 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 VPA makes provisions for cash contributions towards community infrastructure, hence the VPA promotes the following elements of Council's Charter under Section 8 of the Local Government Act 1993:

- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- 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 VPA is to achieve the delivery of various community facilities and public infrastructure required as a result of the proposed development. Thus, the VPA promotes the orderly planning and development of the land.

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

The proposed works in the VPA are in addition to Council's current works 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. Paragraph 8 (b) of the VPA identifies that pro-rata payment based on the number of residential allotments is to be made prior to the issuing of subdivision certificates.

20 April 2016