

Explanatory Note

Draft Voluntary Planning Agreement

Redbank at North Richmond

Lot 271, DP 1156792, 98 Grose Vale Road, North Richmond

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

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft Voluntary Planning Agreement (the draft VPA) under Section 93F of the *Environmental Planning and Assessment Act 1979* (the Act), for the provision of appropriate road infrastructure, community facilities, embellishment works to Peel Park and other relevant open space areas, monetary contributions and dedication of land required as a result of the proposed development.

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the Regulation.

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

The Parties

The Parties subject to this draft VPA are as follows:

Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust (ACN 126 373 162)

Mararch Dev (Richmond) Pty Ltd (ABN 51 126 216 608)

Wengor Dev (Richmond) Pty Ltd (ABN 53 126 216 617)

Hatt Pty Ltd (ABN 71 106 421 470)

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

Roads and Maritime Services ("Roads and Maritime")

BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust (ABN 54 123 888 773) ("Land Owner")

Description of Subject Land

The draft VPA applies to Lot 271 DP 1156792, 98 Grose Vale Road, North Richmond.

Summary of objectives, nature and effect of the Planning Agreement

This draft VPA is complementary to the planning proposal that Council resolved to support on 12 November 2013 to rezone the abovementioned land to enable the development of the site for approximately 1,400 residential allotments and ancillary development.

The draft VPA contains commitments from the Developer to undertake certain works and make contributions to Council and the Roads and Maritime.

The objective of the draft VPA is for the Developer to provide Council and the Roads and Maritime with the appropriate works and monetary contributions and dedication of land required as a result of the proposed development.

The draft VPA is the legal means by which this occurs. Delivery of all of the contributions in the draft VPA will be secured by the registration of the final VPA on the titles of the subject land.

The draft VPA also contains a mechanism so that once the contributions have been delivered, the subject land can be subdivided and the subdivided lots sold free of the requirements to provide public works.

Assessment of the merits of the Planning Agreement

The draft VPA makes appropriate provisions for upgrading the existing road and community infrastructure in North Richmond to enable an orderly and economic development of the subject land and provide increased housing and housing choice within the Hawkesbury Local Government Area consistent with aims and objectives of Metropolitan Plan for Sydney 2036 and draft North-West Subregional Strategy.

The merits of the draft VPA are that it:

- a. satisfies the NSW Government's requirement that all urban development proposals outside the Sydney Region Growth Centres are at no cost to government, thus enabling the Development to proceed;

b. provides for significant improvements to the existing physical and social infrastructure which will have a positive impact on the public of the North Richmond area and promote the broader public interest, by way of the Developer agreeing to a package of infrastructure, including:

- i. \$26.38M by way of works or monetary contributions on intersection works to Bells Line of Road and a new bridge crossing at Yarramundi (see Transport Management and Accessibility Plan);
- ii. Provision and dedication of extensive open space (including Cumberland Plain Woodland) and drainage areas at no cost to Council plus 5 years maintenance;
- iii. Provision and dedication of a 500m² community centre on a 1000m² allotment which may be wholly contained on the subject land adjacent to Peel Park, or a combination of Peel Park and the subject land,
- iv. Provision of off street parking, training spaces, sports amenity building and multi-use courts within Peel Park;
- v. Provision of designated off street cycleway, open space kick about areas, amenities buildings including toilets and picnic areas to open space areas;
- vi. Provision of a 1.2 kilometre concrete shared cycleway/pedestrian footpath
- vii. Provision of 15 bus stops and shelters;
- viii. Contribution to a place making support program in conjunction with Council.

c. provides for the registration of the final VPA on the title of the subject land, effectively binding any subsequent purchasers of the land to ensure the contribution is made in full.

How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The draft VPA promotes the following objects of the Act through the provision of appropriate road and community infrastructure to accommodate 1400 residential allotments and ancillary development on the land:

- *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))*

The draft VPA promotes the public interest by:

- Upgrading the existing road infrastructure in the locality to enable improved level of service and traffic safety.
- Making provisions for embellishment of Peel Park and new open spaces in the area, including 5 years maintenance.
- Provision of a 1.2 kilometre concrete shared cycleway/pedestrian footpath
- Provision of serviced land to support the opening of a childcare centre
- Constructing a new multipurpose community centre not less than 500m² within Peel Park or on the site
- Dedicating 1,000m² land area for a community centre (if required)
- Reimbursement of certain costs to government costs incurred to date and then support for the ongoing administration of the VPA

How the Planning Agreement promotes one or more of the object of the Act by or under which the Roads and Maritime Service is constituted

The draft VPA promotes Roads and Maritime's ability to enable effective planning and delivery of transport infrastructure and services (*Transport Administration Act 1988 No 109 - Clause 2A*)

How the Planning Agreement promotes the elements of Council's Charter under Section 8 of the Local Government Act 1993

The draft 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

The draft VPA makes provisions for an appropriate level of road and community infrastructure to enable a sustainable development of the land while protecting, managing, restoring and enhancing the environment.

Planning purposes served by the Planning Agreement

The draft VPA provides the required level of infrastructure to support rezoning of the subject land to enable development of that land for residential and ancillary development.

The draft VPA, through the requirement that the Developer pay monetary contributions and dedicate land, ensures that Council is able to undertake the orderly planning and development of the land, including the provision of community facilities. The draft VPA provides for a reasonable means of achieving that purpose.

Whether the Planning Agreement conforms with Council's Works Program

The proposed works in the draft VPA are in addition to Council's current works program.

Whether the agreement specifies certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Sections 6.2, 7.1, 7.2, 7.3, 8, 9, 10, 15.2 and Schedule 2 and 2A of the draft VPA identify requirements that must be complied with prior to the issuing of subdivision certificates.