

Explanatory Note

Voluntary Planning Agreement

Lot 8 DP 7565, 136 Longleat Lane, 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 VPA.

The Parties

The Parties subject to this VPA are as follows:

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

Mr Mark S Simpson and Mrs Elizabeth F Simpson ("the Developer")

Description of Subject Land

This VPA applies to Lot 8 DP 7565, 136 Longleat Lane, 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 subdivision of the site into four large lot Housing lots.

The objective, nature and effect of the VPA is for the Developer to provide Council with a cash contribution of \$30,000 for each vacant Housing lot created. This amount is to be paid and is subject to consumer price index adjustment as per clauses 3, 6, 7 and 8 of the VPA. It is anticipated that contributions collected by Council will be expended on local and district infrastructure and facilities such as, but not necessarily limited to, cycleways, bus shelters, landscape and park embellishments and local road improvements to serve the needs of the community as a consequence of the development.

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 local and district infrastructure and facilities which are required by the community as a consequence of the development.

The VPA will have a positive impact on the public in that it will enable the provision of local and district infrastructure and facilities 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 local and district infrastructure and facilities 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 used for the provision of local and district infrastructure and facilities:

- 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 and co-ordination of community services and facilities (Section 5(a)(v))

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

By requiring the payment of cash contributions, the VPA provides Council with the ability to provide local and district infrastructure and facilities appropriate to the needs of the incoming community and also provides Council with a role in the management, improvement and development of resources in the 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 Council to receive cash contributions that can be used for the provision of local and district infrastructure and facilities, hence the 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 VPA is to enable the collection of contributions that can be used for the delivery of local and district infrastructure and facilities required as a result of the proposed development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. 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?

It is anticipated that the contributions collected will be used to provide local and district infrastructure and facilities that are 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 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 number of Housing Lots included in the Subdivision Certificate for the relevant stage.

30 August 2016