

Explanatory Note

Voluntary Planning Agreement

Mackillop Drive, Norwest NSW 2153

1 Background

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (Act).

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (**Regulations**).

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

2 Parties

- (1) The Hills Shire Council (**Council**); and
- (2) Aqualand Baulkham Hills Development Pty Ltd as trustee for the Aqualand Baulkham Hills Development Trust (**Developer**)

3 Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to the land contained in Lots 214, 215, 216, 217 and 218 in DP1239622 and Lot 574 in DP713531, known as Mackillop Drive, Norwest NSW 2153 (**Land**).

4 Description of the Development to which the Planning Agreement applies

The development to which the Planning Agreement applies is described in Schedule 2.

5 Summary of Objectives, Nature and Effect of the proposed Planning Agreement

The objective of the proposed Planning Agreement is to record the terms of the offer made by the developer and its obligations (if the Planning Agreement is entered into with the Council) to:

- (1) dedicate land to the Council;
- (2) pay the monetary contribution to Council; and
- (3) to carry out the works,

(**Development Contributions**).

The **objective** of the Planning Agreement is to require the Developer to undertake the Contributions so as to ensure that the Developer contributes to the implementation of dedication and works required and that existing communities do not bear those costs.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for undertaking the Contributions.

The **effect** of the Planning Agreement is that the Developer Parties will undertake the Contributions in the manner provided for by the Planning Agreement (as applicable).

6 Whether the Planning Agreement specifies that certain requirements must be complied with before issuing of a construction certificate, occupation certificate or subdivision certificate

The development to which the Planning Agreement applies includes the Developer's offer to make Development Contributions in the form of the:

- (1) land dedication as described in Schedule 3 as Lot 574 DP713531 known as 34 Salamander Grove, Baulkham Hills (contribution value \$1,350,000.00);
- (2) monetary contributions (as described in Schedules 5 and 6); and
- (3) works (as described in Schedule 4).

The following requirements must be complied with before the issuing of a construction certificate, occupation certificate or subdivision certificate:

- (1) **Monetary Contributions** (being \$15,703 per Dwelling) to be paid on per Dwelling basis for each Dwelling from and including the 119th Dwelling up to and including the 270th Dwelling in accordance with Schedule 7, which includes a requirement to pay the relevant contribution prior to the issue of a subdivision certificate or an occupation certificate.
- (2) **Additional Monetary Contribution** (being \$26,275.51 per Dwelling) to be paid on per Dwelling basis for each Dwelling after the 270th Dwelling in accordance with Schedule 7, which includes a requirement to pay the relevant contribution prior to the issue of a subdivision certificate or an occupation certificate.
- (3) **Embellishment of land** – the embellishment of the land to be dedicated to Council under the Planning Agreement must be completed prior to the issue of an Occupation Certificate for the first Dwelling within the Proposed Development (which is the 119th Dwelling on the Land).

7 Assessment of the Merits of the proposed Planning Agreement and impact on the public

The Planning Agreement promotes:

- (1) the public interests; and
- (2) the Objects of the Act.

The Planning Agreement will provide certainty for the Developer and the Council as to provision of the Development Contributions and promote and co-ordinate the orderly and economic use and development of the Land to which the Planning Agreement applies.

8 Identification of how the Planning Agreement promotes the public interest

The Planning Agreement supports the public interest through the provision of the Contributions, resulting in significant public benefit through the Monetary Contributions and Dedication Land being used for future public purposes as Council may consider appropriate.

9 Identification of how the proposed Planning Agreement promotes elements of the Council's charter under the Local Government Act 1993

The Planning Agreement promotes the Council's charter under section 8 of the *Local Government Act 1993* as follows:

- (1) This Explanatory Note is prepared for the purposes of keeping the community informed about its activities and to ensure that its decision-making is transparent.

- (2) To manage land and other assets so that current and local community needs can be met in an affordable way.
- (3) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (4) Providing strong and effective representation, leadership, planning and decision-making.
- (5) To act fairly, ethically and without bias in the interests of the local community.
- (6) To recognise diverse local community needs and interests.
- (7) To have regard to the long term and cumulative effects of its decisions on future generations.
- (8) To engage in long-term strategic planning on behalf of the local community.

10 Identification of the planning purpose served by the proposed Planning Agreement and whether the proposed Planning Agreement provides for a reasonable means of achieving that purpose

The Planning Agreement satisfies the objective of promoting the sustainable management of built and cultural heritage to ensure that existing communities do not bear those costs.

The Planning Agreement provides a reasonable means of achieving and securing outcomes by identifying the Contributions and timing for completion of the Contributions.

11 Identification of whether the agreement conforms with Council's capital works program

The Planning Agreement conforms with Council's capital works program.