

**EXPLANATORY NOTE TO
VOLUNTARY PLANNING AGREEMENT
DEVELOPMENT OF KEY SITE 3, CARLINGFORD PRECINCT**

Background

The developers have entered into agreements for the development of Key Site 3 in the Carlingford Precinct for mixed use and residential for some 408 dwellings and 799 s.q.m. of retail floor area (**Proposed Development**). The developers have lodged a development application for Key Site 3.

The developers have offered to enter into the Planning Agreement in connection with the Proposed Development to specify the development contributions to be made to Council in connection with the carrying out of the Proposed Development subject to and in accordance with the Planning Agreement.

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 developers and its obligations (if the Planning Agreement is entered into with the Council) to:

- dedicate land to the Council;
- pay the monetary contribution to the Council; and
- to carry out works in kind

(Development Contributions).

The Planning Agreement relates to the delivery of infrastructure to support the increased demands for facilities arising from the development and is generally consistent with the adopted Draft LEP and DCP for the Carlingford Precinct.

If the proposed Planning Agreement is entered into between the developers and the Council, the developers will be required to make the Development Contributions as set out in Schedules 1 and 2 of the Planning Agreement. The works in kind generally include works identified in the Draft Contributions Plan No. 14 which are considered key community infrastructure.

Assessment of the Merits of the proposed Planning Agreement and Impact on the Public

The Planning Agreement provides for contributions by the developers of approximately \$3,906,225 at the times set out Schedule 2 of the Planning Agreement. The total value of the Planning agreement represents 14.3% of the total adopted works program for the Carlingford Precinct.

It has been entered into to provide certainty for the developers and the Council as to the amount to be paid by way of contribution for infrastructure, given that a proposed new Contribution Plan for the area has been approved by Council, but has not yet taken effect.

Identification of how the proposed Planning Agreement promotes the public interest

The Planning Agreement will support the provision of new development to meet demand for housing consistent with the Metropolitan Strategy, North West Sub Regional Strategy and Council's Residential Direction (2009). The Planning Agreement supports the delivery of infrastructure required to meet expectations regarding safe and efficient functioning of the

local road network, provision of open space for recreation and passive use and improvement of the public domain to provide attractive safe streets for future residents.

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* by providing adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively. The Planning Agreement further keeps the local community informed of Council's activities.

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 provides a reasonable means of achieving and securing outcomes envisaged by the Draft Carlingford DCP and LEP by identifying the works, method of payment and timing to ensure the public benefits secured by the Planning Agreement meet the increased demand for public facilities within the Precinct resulting from the development.

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

The proposed Planning Agreement, in particular the development contributions, will conform with the proposed works program to be implemented by Contributions Plan No.14 - Carlingford Precinct when commenced.