

EXPLANATORY NOTE TO VOLUNTARY PLANNING AGREEMENT

RESIDENTIAL SUBDIVISION DEVELOPMENT KNOWN AS THE “CADDENS HILL” DEVELOPMENT AT LAND GENERALLY BOUNDED BY CADDENS ROAD AND O’CONNELL STREET, CADDENS NSW

Background

The developer intends to carry out the “Caddens Hill” development pursuant to the Development Consents.

The developer has offered to enter into the Planning Agreement in connection with the carrying out of the “Caddens Hill” development to specify the development contributions to be made to Council in connection with the carrying out of the development in lieu of section 94 contributions 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 developer and its obligations (if the Planning Agreement is entered into with the Council) to:

- make particular land dedications to Council free of cost for public open space and infrastructure purposes;
- carry out certain works both in connection with and separate from the land dedications for various public open space and infrastructure purposes including road upgrade works; and
- pay monetary contributions to Council for public benefit purposes.

The Planning Agreement relates to the delivery of infrastructure to support the increased demands for facilities arising from the development, to facilitate the provision of and embellishment of public open spaces and facilities, and is generally consistent with Council’s planning controls and policies for the locality.

If the proposed Planning Agreement is entered into between the developer and the Council, the developer will be required to make the Development Contributions collectively set out in Schedules 1-3 of the Planning Agreement. The combination of works, land dedications and monetary contributions will respond to the on-going expansion of new residential development in the locality and is consistent with the objectives of Council’s Contributions plans to improve public amenity and provide new infrastructure.

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

The Planning Agreement provides for overall contributions by the developer to the value of \$17,280,000, for delivery at the times set out in Schedules 1 and 3 of the Planning Agreement.

It has been entered into to provide certainty for the developer and the Council as to the nature and value of significant development contributions for infrastructure and other public benefit purposes, and is targeted to the particular needs and opportunities arising from the development and locality generally.

Identification of how the proposed Planning Agreement promotes the public interest

The Planning Agreement supports the delivery of infrastructure required to meet expectations regarding safe and efficient functioning of the local road network, improvements of the public domain, creation of and improvements to public recreational facilities and to provide attractive amenity and public safety for 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.

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 Council's plans and strategies by identifying the works, land dedications, method and value of payment and timing to ensure the public benefits secured by the Planning Agreement meet the increased demand for public facilities resulting from the development and in the locality generally.

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

The proposed Planning Agreement, being a comprehensive package of land dedications, works and monetary contributions, will assist in providing for local needs and infrastructure in association with Council's S94 and S94A Contributions Plans.