
Planning Agreement

Explanatory Note

10 Combermere Street, Goulburn NSW 2580

Lot 1 in DP1115448, and Lot E in DP161389 –

Prepared jointly by Goulburn Mulwaree Council
and
The Salvation Army

Planning Agreement

Explanatory Note

10 Combermere Street, Goulburn – Lot 1 DP 1115448 & Lot E DP 161389

1. Introduction

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

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Planning Agreement**) between the parties under s7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

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

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Goulburn Mulwaree Council (ABN 84 049 849 319) (**Council**).
- (2) The Salvation Army (New South Wales) Property Trust (ABN 57 507 607 457) (**Developer**).

3 Description of the Subject Land

The land to which the Planning Agreement relates, and to which the Planning Agreement will be registered, is set out in the table below (**Land**).

Folio Identifier	Location
Lot 1 DP 1115448	10 Combermere Street, Goulburn NSW 2580
Lot E DP 161389	8 Combermere Street, Goulburn NSW 2580

4 Summary of objects, nature and effect of the Planning Agreement

The **objective** of the Planning Agreement is to satisfy the condition in the development consent issued under the EPA Act with respect to DA/0277/1920 (**Development**), by providing development contributions to the public consisting of public works and the payment of monetary contributions as outlined in the Planning Agreement.

The **intent** of the Planning Agreement is to facilitate the provision of the development contributions provided by the Developer as described in the table below, all of which will be delivered prior to the issue of the first subdivision certificate in relation to the Development (**Contributions**).

Contribution	Specifications	Contribution Credit/Value
Embellishment works within Ardgowan Park	The provision of outdoor, pathways and landscaping within Ardgowan Park in accordance with Landscape plans 01, 02 and 03.	\$40,360.00
Stormwater Management Works	The construction of stormwater basin in accordance with the Development Consent, the referenced plans, Water NSW Concurrence requirements, and the Subdivision Works Certificate.	NA
Monetary Contribution – Public Recreation	Payment to Council for Public Recreation	\$90,000.00
Monetary Contribution - Drainage	Capitalised operation and maintenance cost of the stormwater management facility (30 years)Based on 30 year treasury bond rate of 1.895% November 2020 The treasury bond rate to be applied will be applicable as at the time of the final endorsement of the Planning Agreement, for a 30 year period.	\$27,600. 00
Monetary Contribution – Drainage	Capitalised renewal cost of the stormwater management facility (30 years) Based on 30 year treasury bond rate of 1.895% November 2020 The treasury bond rate to be applied will be applicable as at the time of the final endorsement of the Planning Agreement, for a 30 year period.	\$11,820.00

As security for the Developer's obligations to pay the Contributions, the Planning Agreement will be registered on the title of the Land and the Developer will provide Council with bank guarantees to ensure completion of the Contributions.

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

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

5 Assessment of the merits of the Planning Agreement

5.1 The planning purposes served by the Planning Agreement

In accordance with section 7.4 of the EPA Act, the Planning Agreement promotes the following public purpose:

- (1) Provision of infrastructure to accommodate and meet the demands of future developments and to mitigate the potential impacts of the Development on existing infrastructure;
- (2) Enables the subject land to be developed in a timely and efficient manner to promote economic development and employment opportunities;
- (3) Provides for the public recreation associated with the stormwater infrastructure; and
- (4) Provides for the construction of a stormwater basin to enhance the natural environment.

5.2 How the Planning Agreement promotes the public interest

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) By providing certainty as to provision of the Contributions;
- (2) The proper management, development and conservation of land;
- (3) The promotion and co-ordination of the orderly and economic use and development of land; and
- (4) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment, and are invited to make comment on the Planning Agreement.

5.3 The impact of the Planning Agreement

The overall impacts of the Planning Agreement are positive as it will:

- (1) Enable the land to be developed, therefore, increasing the availability of suitable residential land in Goulburn for future housing needs;
- (2) Enable the land to be developed, which in turn will upgrade the local road network in the vicinity of the development; and

- (3) Enhance the natural environment through the construction and long-term maintenance of embellishments within Ardgowan Park.

5.4 How the Planning Agreement promotes Council's guiding principles

The Planning Agreement promotes Council's guiding principles under section 8A of the *Local Government Act 1993* (NSW) to enable Councils to manage lands and other assets so that current and future local community needs can be met in an affordable way.

6 Identification of whether the Planning Agreement conforms with the Council's capital works program

The works are not dissimilar to Council's capital works program, therefore, the Planning Agreement conforms with Council's capital works program

7 Requirements of the Planning Agreement

The following requirements of the Agreement must be complied with before:

- (1) A Subdivision Works Certificate is issued: Nil.
- (2) A Subdivision Certificate is issued: Completion of Developer's Works and payment of monetary contributions.