
Appendix A Explanatory Note

Planning Agreement

Explanatory Note

Address – Lot 23 DP1053904

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) Redfern Fresh Pty Ltd and ACN 167 764 776 (**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 23 DP1053904	35 Bonnett Drive Run O Waters 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 Review of DA/0136/2122 as set out in the Notice of Determination dated 18 October 2022 (**Development**), by providing development contributions to the public consisting of public works, the payment of monetary contributions, and the dedication of land to Council for Drainage Reserve as outlined in the plan attached at **Schedule 4** of 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
Dedication of land as shown on the Designated Land Plan	Dedication of land for the purposes of ongoing stormwater infrastructure management and water quality	N/A
Construction of the Drainage Reserve and Bioretention Basin as shown on the plan attached at Schedule 6	The construction of the Drainage Reserve and Bioretention Basin in accordance with the Development Consent, the referenced plans, Water NSW requirements and the Subdivision Works Certificate	\$ 12,500 (at 15 September 2022)
Monetary Contribution - Maintenance of the Drainage Reserve and Bioretention Basin	Ongoing maintenance (30 years) of Drainage Reserve and the Bioretention Basin	\$ 41,834.06 (at 15 September 2022)
Monetary Contribution – Stormwater drainage	Capitalisation and first renewal of the Bioretention Basin (30 years)	\$ 26,093.52 (at 15 September 2022)
Monetary Contribution – Public Benefit	Monetary contribution for the Goulburn Waterworks Plan of Management	\$ 15,000 (at 15 September 2022)

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 works and maintenance obligations.

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 dedication of land for Drainage Reserve; and

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 (Insert location) 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 the Drainage Reserve and stormwater treatment and management devices.

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: Payment of security value.
- (2) A Subdivision Certificate is issued: Completion of Developer's Works, dedication of the designated land and payment of monetary contributions.