

Schedule 3– Explanatory Note

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed Planning Agreement (**Planning Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**). For the avoidance of doubt, this Explanatory Note does not form part of the Planning Agreement and does not bind any of the Parties.

This explanatory note has been prepared jointly by the Parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (NSW). It will be exhibited with a copy of the Planning Agreement when the Planning Agreement is made available for inspection by the public in accordance with the Act, as specified by clause 25E of the Regulation.

Parties to the Planning Agreement

The Parties to the Planning Agreement are Carrathool Shire Council (**CSC**), and ITP (Development) Pty Ltd (**Developer**).

The Developer has made an offer to enter into the Planning Agreement in connection with a Development Application (Application Number: DA2020/017) for the development of the Development (**Development Application**).

Description of the Subject Land

The Planning Agreement applies to the land set out in Schedule 2 of the Planning Agreement (**Subject Land**).

Description of the Development Application (Proposed Development)

The Development is the 2 x 5 MW Daisy Hill Solar Farm, Kidman Way, Hillston 2675 and associated infrastructure. See the REF for details.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make the following development contributions to the CSC:

- (a) The total sum of Community Enhancement Contributions payable is \$100,000, plus CPI. The total sum is to be paid over ten years as annual Community Enhancement Contributions.
- (b) The annual Community Enhancement Contributions shall commence with a payment of \$10,000. Payment shall be payable within twenty- eight (28) days of the Commencement Date and then paid on the same date each year throughout the Term.

The funds will be managed and allocated by the Council to best provide environmental, social and economic benefits to the local communities impacted by the Development.

Assessment of Merits of Planning Agreement

Purpose of the Planning Agreement

In accordance with section 7.4, the development contributions the subject of the Planning Agreement will be applied to a public purpose(s) that will ensure the provision of a public benefits.

The Council and the Developer have assessed the Planning Agreement and hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving a public purpose(s).

This is because the development contributions that are the subject of the Planning Agreement reflect there are broad tangible and intangible environmental, social and economic costs arising from the Development and the said contributions will assist the Council to provide needed material public benefits to its communities, as well as addressing broader community social impacts.

How the Planning Agreement Promotes the Elements of Council's Charter

The Planning Agreement promotes a number of elements of Council's Charter under section 8 of the *Local Government Act 1993* (NSW). In particular, the Planning Agreement, through the delivery of a public purpose(s) and material public benefit(s), allows the Council to:

- provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- exercise community leadership;
- bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible; and
- keep the local community and the State government (and through it, the wider community) informed about its activities.

The Impact of the Planning Agreement on the Public or any Section of the Public

The Planning Agreement will benefit the public and local communities through the delivery of a public purpose(s) and material public benefit(s).

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by committing the Developer to make monetary contributions towards a public purpose(s).

How the Planning Agreement Promotes the Objects of the Act

Relevant Objects of the Act supported and promoted by this Planning Agreement include:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources; and
- to promote the orderly and economic use and development of land.

The Planning Agreement promotes these objects of the Act by requiring the Developer to make monetary contributions towards public purposes.

Requirements in relation to Construction, Occupation and Subdivision Certificates

Clause 5 of the Planning Agreement sets out the timing for the payment of the development contributions.

The Planning Agreement does not require the payment of any monetary contributions and does not specify any requirements that must be complied with prior to the issue of any Subdivision Certificate, Construction Certificate or Occupation Certificate.

Interpretation of Planning Agreement

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