

**EXPLANATORY NOTE TO
VOLUNTARY PLANNING AGREEMENT
DEVELOPMENT OF 8-10 BOUNDARY ROAD, CARLINGFORD**

Background

On 14 September 2004 Council granted the Developer development consent for the erection of a four storey residential flat building containing 14 units at 8-10 Boundary Road, Carlingford.

On 14 July 2009 the Developer lodged a further a development application with the Council seeking development consent for an additional four levels with an additional 14 residential apartments to the existing approved residential flat development and associated basement works and landscape works (**Development**).

The Developer has offered to enter into the Planning Agreement in connection with the Development to specify the development contributions to be made to Council in connection with the carrying out of the 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 Developer and its obligations (if the agreement is entered into with the Council) to pay the monetary contribution to the Council and to provide certain other material public benefits.

If the proposed Planning Agreement is entered into between the Developer and the Council, the Developer will be required to provide a monetary contribution of \$279,300 to Council, which would be pooled with future funds collected by the adopted Contributions Plan No.14 - Carlingford Precinct, when commenced

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

The Planning Agreement provides for a contribution by the Developer of \$279,300 on the execution of the Planning Agreement. This is greater than would be payable under the current Contribution Plan.

It has been entered into to provide certainty for the developer 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 is in the public interest as it will provide for the payment of a fixed infrastructure contribution in advance. This will better enable the Council to receive contributions by reference to current infrastructure needs and costs, and as such implements Council's responsibility to properly manage its resources and long term strategic planning.

The contribution will be applied towards the cost of infrastructure such as Open Space Facilities, Transport facilities, Community Facilities. Drainage facilities, Public Domain facilities and Administration Costs.

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 purpose served by the Planning Agreement is to provide facilities to satisfy the increase in demand for public amenities and public services within the area resulting from the Development.

The agreement provides a reasonable means of achieving that purpose in that it provides for payment on the date of the Planning Agreement of a fixed amount. IN the absence of the Planning Agreement, the significant costs required to provide facilities to satisfy the increase in demand for public amenities and public services within the area resulting from the Development would not occur until some point in time until sufficient funds were allocated from Council and detailed in Councils Management Plan.

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

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