Template Explanatory note

# Explanatory Note

# Exhibition of draft Voluntary Planning Agreement

# Lot no. DP no., known as [address of land]

*Environmental Planning & Assessment Regulation 2000 (clause 25E)*

**Planning Agreement**

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**the** **Act**).

The Planning Agreement will require the provision of [insert details of contributions] in connection with a proposed change to provisions of the [insert name of LEP] (**LEP**) **OR** proposed development of land at Lot no. DP no., known as [address of land]. [***Delete the provisions that do not apply***]

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (**the** **Regulations**).

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

**Parties**

[Developer Name] (**the** **Developer**) made an offer to City of Parramatta Council (**the** **Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal **OR** Development Application relating to the subject land.[***Delete the provisions that do not apply***]

**Description of subject land**

The land to which the Planning Agreement applies is described as Lot no. DP no., known as [address of land] (**the** **Land**).

# Description of the Planning Proposal to which the Planning Agreement applies

[Insert description of planning proposal if relevant. Delete if not relevant.]

# Description of the Development Application to which the Planning Agreement applies

[Insert description of Development Application if relevant. Delete if not relevant.]

# Summary of Objectives, Nature and Effect of the Planning Agreement

**Monetary** **Contribution**

The Planning Agreement requires a monetary contribution in the amount of $[insert details of monetary contribution offered if relevant].

**Works**

The Planning Agreement requires the following works in kind: [insert details of works proposed if relevant].

**Land**

The Planning Agreement requires dedication of: [Insert details of land to be dedicated, if relevant].

# Assessment of the Merits of the Planning Agreement

**How the Planning Agreement Promotes the Objects of the Act and the public interest**

The draft Planning Agreement promotes the following objectives of the *Environmental Planning and Assessment Act 1979*:

* [Insert relevant objectives]

The draft Planning Agreement promotes the public interest by [insert relevant public benefits].

**The Planning Purposes served by the Planning Agreement**

The monetary contribution will be used to [insert public purposes].

The works will be carried out for the purposes of [insert public purposes].

That land will be dedicated for the purposes of [insert public purposes].

**How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council’s Charter (now section 8A)**

The Planning Agreement is consistent with the following purposes of the *Local Government Act 1993*:

* to give councils the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and the wider public;
* to give councils a role in the management, improvement and development of the resources of their areas;
* [insert other relevant purposes as required]

By enabling Council to provide public infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council’s Charter):

* Councils should provide strong and effective representation, leadership, planning and decision-making.
* Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
* Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
* Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
* Councils should consider the long term and cumulative effects of actions on future generations.
* Councils should consider the principles of ecologically sustainable development.
* Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

[Identify any relevant strategic plans for the area and note consistency with the strategic plans].

**Whether the Planning Agreement Conforms with the Council’s Capital Works Program**

[Insert details]

**Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

The Planning Agreement requires the following to be satisfied prior to the issue of a construction certificate: [insert details].

The Planning Agreement requires the following to be satisfied prior to the issue of a subdivision certificate: [insert details].

The Planning Agreement requires the following to be satisfied prior to the issue of an occupation certificate: [insert details].