

Explanatory Note

Draft Planning Agreement

Land bounded Lambert, Murray, Richardson & Mortimer Streets Wingham

1. Introduction

The purpose of this Explanatory Note is to provide a statement to support the notification of a draft planning agreement (the **Planning Agreement**) prepared under section 93F of the *Environmental Planning and Assessment Act 1979* (the **Act**).

In accordance with clause 25E of the *Environmental Planning and Assessment Regulation 2000* this Explanatory Agreement:

- has been prepared jointly by the parties; and
- is to be exhibited concurrently with the Planning Agreement.

2. Parties to the Planning Agreement

The parties to the Planning Agreement are:

- Greater Taree City Council (**Council**); and
- Duncan's Holding Ltd being the registered landowner of Lots 265-269 in DP754454, Lot 310 in DP 754454 and Lot 4 in DP114687 (**Developer**).

3. Description of Subject Land

The land to which the Planning Agreement applies is land bounded by Lambert, Murray, Richardson & Mortimer Streets Wingham in the Greater Taree City Council Local Government Area being:

- Lots 265-269 DP754454;
- Lot 310 DP 754454; and
- Lot 4 DP114687

(together, **Subject Land**).

4. Description of Proposed Development

The Subject Land is currently zoned RU1 – *Primary Production* under the *Greater Taree Local Environmental Plan 2010 (Greater Taree LEP)*.

The Developer proposes to rezone the Subject Land to R1 - *General Residential* and E2 - *Environmental Conservation* under the Greater Taree LEP for the purposes of future residential subdivision.

A Planning Proposal was referred to the Gateway Review Panel in August 2014 which was subsequently approved to proceed, subject to a number of conditions including the requirement for further consultation with the Office of Environment and Heritage (OEH). Following consultation, it was determined that the Planning Proposal would be amended to reflect the changes requested by OEH and the Planning Agreement was drafted.

5. Summary of Objectives, Nature and Effect of the Planning Agreement

The objectives of the Planning Agreement are to provide for 0.8 hectares of environmentally sensitive land (**Contribution Land**) to be dedicated to Council, and for that land to be managed as E2 *Environmental Conservation* under the Greater Taree LEP in the future.

Before dedication of the Contribution Land to Council, the Developer will prepare a vegetation management plan for the ongoing management of the land and complete rehabilitation works on the Contribution Land. This will ensure that the environmentally sensitive nature of the Contribution Land is preserved and it will contribute to the preservation of biodiversity in the local government area.

Further contributions under section 94 of the Act will be levied on the subdivision consent in accordance with the Council's Development Contribution Plan.

6. Assessment of the merits of the proposed agreement

The Planning Agreement seeks to establish a framework to ensure the long term viability of the Contribution Land. Dedication of this land to Council will ensure that open space corridors within the Wingham area are preserved, providing a continuous vegetated corridor.

7. Promotion of the Public Interest and Objects of the Act

The Planning Agreement will promote the public interest by dedicating environmentally sensitive land in the local government area.

The Planning agreement promotes the objects of the Act including:

- the orderly and economic use and development of land (s 5(a)(ii));
- the proper management and conservation of natural resources (s 5(a)(i));
- the provision of land for public purposes (s 5(a)(iv));
- the protection of the environment (s 5(a)(vi)); and
- encouraging ecologically sustainable development, including the conservation of biological diversity and preservation of the natural environment (s 5(a)(vii)).

8. Promotion of Council's Charter

The Planning Agreement promotes the following elements of Council's Charter under s 8(1) of the *Local Government Act 1993*:

- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

9. Planning Purposes of the Planning Agreement

The Planning Agreement provides a mechanism to ensure that environmentally sensitive land is protected and conserved through the dedication of that land to Council after the completion of environmental rehabilitation works by the Developer.

The Planning Agreement achieves the planning purpose by binding the Developer to dedication of the Contribution Land and implementation of environmental rehabilitation works to ensure the Contribution Land is adequately protected.

10. Conformity with Council's Capital Works Program

The Planning Agreement provides for the completion of environmental rehabilitation works and the dedication of Contribution Land to Council. Whilst there is no direct link between these works and Council's Capital Works Program, the ongoing preservation of environmentally sensitive land is consistent with Council's responsibilities of managing the natural environment.

11. Requirements to be complied with before subdivision certificate

The Planning Agreement requires the Developer to complete the following before a subdivision certificate is issued in respect of the proposed residential subdivision of the land:

- (i) preparation of a vegetation management plan to Council satisfaction (clause 5);
- (ii) completion of environmental rehabilitation works to the Contribution Land in accordance with the vegetation management plan (clause 6); and
- (iii) dedication of the Contribution Land to Council free of cost (clause 7).

Dated:

Signed
Greater Taree City Council

Signed:
Duncan's Holding Ltd