

## **EXPLANATORY NOTE TO**

### **VOLUNTARY PLANNING AGREEMENT**

#### **DEVELOPMENT OF 1-6 VIVIEN PLACE, 1-7 GAY STREET and 12 GILHAM STREET CASTLE HILL NSW 2154**

##### **Background**

The developer has lodged a Planning Proposal with Council with the intention to develop the Land for proposed residential apartment development comprising 220 dwellings (**Proposed Development**). Upon approval of the Planning Proposal, the Developer proposes to lodge development applications with the Council for the site.

The developer has offered to enter into the Planning Agreement in connection with the Proposed Development to specify the contributions to be made to Council in connection with the carrying out of the Proposed 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 Planning Agreement is entered into with the Council) to:

- Construct the western road connection to Council's standards;
- Provision of 1,570m<sup>2</sup> through site link (Public Right of Access); and
- Pay monetary contribution for the additional 88 dwellings over and above the 132 dwellings already planned for on the site. These contributions shall be allocated toward the delivery of local infrastructure to support the future population growth.

Dedicate the western road connection and closure and transfer of Vivien Place to the Developer will occur as part of a land swap. The will be addressed through a separate agreement between the developer and Council as the development assessment stage. As it is not a development contribution, is not addressed as part of this Voluntary Planning Agreement. A note is included within the Voluntary Planning Agreement to this effect.

##### **Development Contributions**

The Planning Agreement relates to the delivery of infrastructure to support the increased demands for facilities arising from the development and is generally consistent with The Hills LEP 2012, The Hills DCP 2012 and Planning Proposal 2/2017/PLP, which seeks to amend The Hills LEP 2012 and The Hills DCP 2012 to facilitate the Proposed Development.

Under the Castle Hill North Planning Proposal (16/2016/PLP) the site has potential to accommodate 132 dwellings. A draft Contributions Plan for the Castle Hill North Precinct has since been prepared and exhibited to collect the necessary funds for the provision of local infrastructure required to support this yield. As the proposal would facilitate approximately 220 dwellings, this equates to 88 unplanned dwellings more than what has been planned for through the draft Contributions Plan for the Castle Hill North Precinct.

It is proposed that the planned growth (up to 132 dwellings) would continue to be levied under the draft Contributions Plan for the Castle Hill North Precinct. A separate additional monetary contribution would be paid for the additional 88 dwellings in accordance with the rates identified within Schedule 2 of the VPA. These funds would be allocated toward the delivery of additional infrastructure required to support the additional population.

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

The 132 dwellings planned for on the site as part of the Castle Hill North Planning Proposal (16/2016/PLP) would be levied under the relevant Contributions Plan applying to the Castle Hill North Precinct. The Planning Agreement provides for contributions by the developers of approximately \$2.1m for the additional 88 dwellings (subject to indexation and final development mix) at the times set out the Agreement.

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.

### **Identification of how the proposed Planning Agreement promotes the public interest**

The Planning Agreement will support the provision of new development to meet demand for housing consistent with the Greater Sydney Region Plan, A Plan for Growing Sydney, the Central City District Plan, Council's Local Strategy and The Hills Corridor Strategy. The Planning Agreement supports the delivery of infrastructure required to meet expectations regarding safe and efficient functioning of the local road network, provision of open space for recreation and passive use and improvement of the public domain to provide attractive safe streets for future residents.

### **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 Agreement provides a reasonable means of achieving and securing outcomes envisaged by The Hills LEP 2012 and The Hills DCP 2012 by identifying the works, method of payment and timing to ensure the public benefits secured by the Planning Agreement meet the increased demand for public facilities resulting from the development.

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

The Planning Agreement will assist in the delivery of infrastructure required to support growth within the Castle Hill Precinct.