

## Liverpool City Council

### Explanatory Note – Voluntary Planning Agreement – VPA 47

Voluntary Planning Agreement - VPA 47 – Residential Subdivision 47-59 Seventeenth Avenue Austral – DA 922/2021

#### Voluntary Planning Agreement

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

The Planning Agreement includes an element of work, that is not captured in a Contribution Plan works schedule. The mechanism to enter into a Planning Agreement was the result of an order (LEC: 2021/00297927) issued by the Land and Environment Court.

This Explanatory Note has been prepared jointly between the parties in accordance with clause 205 of the *Environmental Planning and Assessment Regulation 2021 (Regulation)*.

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

#### Parties

Liverpool City Council ABN 84 181 182 471 (**Council**)

Austral North Nominees Pty Ltd ABN 24 647 661 710 (**Developer**)

#### Description of Land to which this draft Planning Agreement applies

Subdivision of land within Lot A in DP 373652 and Lot 217 in DP2475, 47-59 Seventeenth Avenue Austral NSW (**Land**)

#### Description of the Planning Proposal to which the draft Planning Agreement Applies

The Planning Agreement applies to the development on the Land in accordance with the issued orders made by the Land and Environment Court, LEC: 2021/00297927 and development application: DA-922/2021,

Which is to create 51 residential lots and associated works being:

- (a) Demolition of all existing structure and improvements
- (b) Removal of all vegetation including trees
- (c) Construction of roads, drainage and utility infrastructure; and
- (d) Associated street landscaping works

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

##### *Objectives of the Planning Agreement*

The Planning Agreement will secure the provision of contributions required to be made by the Developer in connection with the Development and the purpose of how and when those contributions are payable.

The contributions include a monetary contribution towards the delivery of a Gross Pollutant Trap as well as Section 7.11 contributions in accordance with the Liverpool Contributions Plan 2014 Austral and Leppington North Plan that applies to the land

### ***Nature of the Planning Agreement***

The Planning Agreement is a planning agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*. The Planning Agreement is an agreement under which Development Contributions are made by the Developer for a public purpose (as defined in section 7.4(3) of the Act).

### ***Effect of the Draft Planning Agreement***

The draft Planning Agreement:

- a. Relates to the carrying out by the Developer of development on the land
- b. Includes the application of s7.11 of the Act to the development
- c. Does not exclude the effect of s7.24 of the Act to the development
- d. Requires monetary development contributions towards the delivery of a GPT before the issuing of the subdivision certificate
- e. Is to be registered on the title to the land
- f. Imposes restrictions on the Parties transferring the land or part of the land or assigning an interest under the agreement
- g. Provides dispute resolution for a dispute under the agreement

### ***Assessments of the Merits of the Draft Planning Agreement***

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

The Planning Agreement:

- a. Promotes and coordinates of the orderly and economic use and development of land;
- b. Provides and coordinates the provision of public infrastructure and facilities in connection with the Development;
- c. Provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development
- d. Promote good design and amenity of the built environment
- e. Provides opportunity for public involvement and participation in environmental planning and assessment of local development

#### ***How the Planning Agreement Promotes Public Interest***

The Planning Agreement promotes the public interest by addressing the objects of the Act as set out in section 1.3 (b) (c)

#### ***Development Corporations – How the draft Planning Agreement Promotes its Statutory Responsibilities***

Not Applicable

#### ***Other Public Authorities – How the Draft Planning Agreement Promotes the objects (if any) of the Act under which is its constituted***

Not Applicable

#### ***Councils – How the Planning Agreement Promotes the Elements of the Council's Charter***

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

- 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; and
- To give councils a role in the management, improvement and development of the resources of their areas

By enabling Council to provide public utilities and infrastructure, the draft Planning Agreement is consistent with the guiding principles for councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter).

***Whether the Planning Agreement Conforms with the Authority's Capital Works Program***

Monetary Contributions will be used in the Council's Capital Works Program. As such, the Planning Agreement conforms to the Council's Capital works program.

***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 specifies that monetary contributions must be paid prior to the issuing of a subdivision certificate. Monetary contribution calculated under s7.11 must be paid in accordance with the Liverpool Contributions Plan 2014 Austral and Leppington North.