

Explanatory note for draft planning agreement

[insert planning agreement name here]

A planning agreement is a voluntary arrangement between a public authority and a proponent where the proponent is required to provide money, land, other material benefit, or combination of these, for public facilities.

A draft planning agreement is being publicly notified by Hornsby Shire Council and this explanatory note provides a plain English summary of the agreement, its intended benefits and likely impacts on the public.

Details of the proposed agreement

Land affected:	[insert street address, real property description and site location map on cadastre and aerial layers]
Proposed development:	<p>Insert one of the following:</p> <p>Planning Proposal No. [registration number] to amend the Hornsby Local Environmental Plan 2013 to [insert detail of what planning proposal is for]</p> <p>or</p> <p>Development application No. [registration number] to [insert detail of DA]</p> <p>or</p> <p>Request to modify DA No. [registration number] to [insert detail of mod]</p>
Parties to the agreement:	<p>Hornsby Shire Council and</p> <p>[insert name(s) of the proponent(s) and - if the owner of the land is not the proponent – the name(s) of the owner(s)]</p>

Objectives, nature and scope of the proposed agreement

The objective of the agreement is to formalise an offer by the proponent to

[summarise what the proponent is going to provide under the agreement].

A summary of the nature and scope of the proposed agreement is shown in the table below and in the plans and images included in the Attachments to this explanatory note:

[insert new rows and descriptions in the table as appropriate]

Public facility or purpose	Type and scope of proponent's contribution
For example:	
Improvements to the public domain of Hornsby Town Centre	Street furniture, lighting, paving and landscaping works within the Peats Ferry Road reserve with an estimated value of \$X
Hornsby indoor sports facility	Monetary contribution of \$X to be paid to the Council to help fund the total estimated cost of \$X.

These contributions will be **[additional to] / [instead of]** contributions towards public amenities and public services that **[would] / [would otherwise]** be required under section 7.11 / section 7.12 of the Environmental Planning and Assessment Act 1979.

[Where the planning agreement contributions are instead of s7.11 or s7.12 contributions, explain that the planning agreement incorporates the s7.11 / s7.12 monetary contribution amounts / or, the total amount of monetary contributions proposed in the agreement to be paid to Council for public facilities is greater than the amount council would receive s7.11 / s7.12 contributions alone.]

Assessment of the merits of the agreement

[include as appropriate and expand upon where necessary]

The proposed agreement will enable the proponent to provide highly-valued public facilities and /or facilities that meet both existing unmet needs and future needs. Without this agreement, the Council could not otherwise require the proponent to provide the facilities.

[insert details]

The proposed agreement enables a better planning outcome for the subject land in that it ...

[insert details]

The proposed agreement is consistent with the Community Strategic Plan / Local Strategic Planning Statement in that it ... **[insert details]**

This agreement promotes the public interest by:

[For example: If the agreement includes recurrent funding commitments by the proponent, the following wording could be used]

Council will become the owner of the public facilities proposed in the agreement, will be responsible for its operational costs of the asset. The proposed agreement's up-front contribution towards the trailing recurrent and operational costs of the asset over its life will significantly reduce / eliminate any extra maintenance burden on ratepayers.

[For example: If there are security provisions in place if the proponent doesn't meet their obligations the following wording could be used]

The Council's and community's interests are protected by the provisions in the agreement relating to inspections of works, security arrangements, defects liability periods, and registration of the agreement on the land title. The agreement has also been prepared in accordance with the probity and transparency requirements in council's Planning Agreement Policy.

[include any other comments]

Planning Agreement Practice Note

Council has, in preparing this explanatory note, considered the requirements of the Planning Agreements Practice Note (February 2021) prepared by the Secretary of the NSW Department of Planning, Housing and Infrastructure. Additional matters required by the Practice Note are addressed below:

Do any of the proponent's contributions conform with the Council's capital works program?

No

Does the agreement specify that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?

Yes, refer to Schedule X of the proposed agreement for details.