

Annexure D Draft Explanatory Note

Explanatory Note

Exhibition of draft Voluntary Planning Agreement

**Lot 12 and 131, DP 560852 and 262057, known as 30 and 31
Vista Parade, Kotara**

Environmental Planning & Assessment Regulation 2021 (clause 205)

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 road works and the dedication of land in relation to proposed development of land at Lot 12 and 131, DP 560852 and 262057, known as 30 and 31 Vista Parade, Kotara.

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

Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (**the Developer**) made an offer to Newcastle City Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Development Application relating to the subject land.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 12 and 131, DP 560852 and 262057, known as 30 and 31 Vista Parade, Kotara (**the Land**).

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

The Development Application seeks development consent for the redevelopment and expansion of St James' Primary School, Kotara and the construction of a new early education centre

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

Monetary Contribution

The Planning Agreement does not require a monetary contribution as the Developer is exempt from monetary contributions under Council's Section 7.12 Development Contributions Plan as it is a registered charity.

Works

The Planning Agreement requires the following works in kind:

- the road widening of Vista Parade and associated road works including the relocation and reinstatement of existing bus stops; and

- construction of a roundabout and intersection upgrade work on the Intersection of Princeton Avenue and Vista Parade.

Land

The Planning Agreement requires the dedication of approximately 88.5m² of land to the Council to widen Vista Parade

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 objective of the *Environmental Planning and Assessment Act 1979*:

- promotes the orderly and economic use and development of land; and
- promotes good design and amenity of the built environment.

The draft Planning Agreement promotes the public interest by ensuring the amenity and function of the local road network will be improved and the community will benefit from an upgraded public asset.

The Planning Purposes served by the Planning Agreement

The works will be carried out for the purposes of widening Vista Parade and increasing the function of the local public road network.

That land will be dedicated for the purposes of widening Vista Parade and increasing the function of the local public road network.

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 is required to be complied with prior to any occupation certificate being issued.