

EXPLANATORY NOTE

Clause 25E of the Environmental Planning and Assessment Regulation 2000

Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

1. Parties

Hornsby Shire Council of 296 Pacific Highway HORNSBY NEW SOUTH WALES
(**Council**)

And

Samuel Joseph Graiche and Emile Graiche of 33 Beecroft Road BEECROFT NEW
SOUTH WALES (**Developer**).

2. Description of Subject Land

2 Arrionga Place Hornsby being Lot 11 in Deposited Plan 1178405.

3. Description of Proposed Change to Environmental Planning Instrument/Development Application

The Parties agree that this Agreement is a planning agreement governed by
Subdivision 2 of Division 6 of Part 4 of the Act.

This Voluntary Agreement applies to the land which forms the subject matter of the
Development Application No 1480/2014 situated at 2 Arrionga Place Hornsby being
the land in (Folio Identifier 11/1178405) and the offset area nominated by Council
that is to contain the restoration of similar native vegetation and remnant trees.

4. Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The Developer agrees to enter into this Agreement to make Development
Contributions towards replacement of 525m² of Other native vegetation and remnant
trees lost from the site at 2 Arrionga Place Hornsby as a result of the development
and offset the loss of the other native vegetation and remnant trees category under
Council's Green Offset Code (2013) with a voluntary contribution of \$21,945 towards
the replacement of 525m² of other native vegetation and remnant trees.

The Council agrees to provide an area of 2,625m² for the re-vegetation, restoration
and enhancement of the other native vegetation and remnant trees.

5. Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement will guarantee the survival of endangered species that will be affected by the implementation of the subdivision in DA 1480/2014.

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979

How the Draft Planning Agreement Promotes the Public Interest

- (a) Upon execution of this Agreement, the Developer agrees to pay to the Council a monetary contribution in the amount of \$21,945.00 towards the replacement of 525m² of Other native vegetation and remnant trees lost from the site in Arrionga Place Hornsby as a result of the development, by way of a bank cheque to Hornsby Shire Council's Natural Resources Unit (Strategy).

The Council on receipt of the monetary contribution paid by the Developer in accordance with Clause 4 hereof and within a reasonable time after the date of this Agreement.

Provide an area of 2,623m² for revegetation and restoration on Council owned bushland reserves.

Pursuant to clause Condition 5 of the Development Approval DA 1480/2014 the Developer shall make a Section 94 Infrastructure Contribution of \$20,000 for one additional lot towards the cost of infrastructure identified in Council's Section 94 Contributions Plan 2012-2021. The Section 94 Contribution is based on a rate of \$20,000 per additional lot and is current as at 15 August 2015. The contribution will be adjusted from this date in accordance with the underlying Consumer Price Index for subsequent financial quarters.

EXECUTED AS AN AGREEMENT:

ON BEHALF OF HORNSBY SHIRE COUNCIL:

The Seal of Hornsby Shire Council was affixed in accordance with a resolution passed at a duly convened meeting held on _____ in the presence of:

.....
General Manager

.....
Mayor

SIGNED BY SAMUEL JOSEPH GRAICHE & EMILE GRAICHE
(Developer) in the presence of:

.....
Signature of Witness

.....
Samuel Joseph Graiche

.....
Name of Witness

.....
Emile Graiche