

Environmental Planning and Assessment Regulation 2000
(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

1. Parties

Hornsby Shire Council (Planning Authority)

Julia Wright of 20 Victoria Street, Roseville, New South Wales (Developer)

2. Description of Subject Land

Lots 1 & 2 in DP 503987, known as 12 & 12B Surrey Street, Epping

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

Development Application No.1398/2011 seeks approval for the subdivision of land at 12 and 12B Surrey Street, Epping, NSW 2121 from 2 allotments into 3 allotments.

Construction of the proposed subdivision works together with future dwelling houses upon the lots will require the removal of vegetation comprising Sydney Turpentine Ironbark Forest (STIF).

It is submitted that the vegetation loss proposed as part of this application is generally consistent with that which would be lost were the existing rear allotment to be developed for the purpose of a single dwelling consistent with its existing entitlements.

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

The Draft Planning Agreement seeks to offset the proposed loss of Sydney Turpentine Ironbark Forest (STIF) from the subject site by the making of a monetary contribution to the Council for the purpose of the restoration and enhancement of Council managed lands.

5. Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement will facilitate the sub-division of land so as to provide for an increase in available housing stock whilst at the same time providing for the restoration and enhancement of endangered ecological communities upon lands under Council's control.

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

The Draft Planning Agreement is considered to be consistent with the objects of Section 5(a)(i) and (ii) of the Act and which provide for:

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land;*

In support of the above objects it is submitted that:

1. The proposal provides for a compensatory offset in recognition of the loss of Sydney Turpentine Ironbark Forest (STIF) from the site.
2. The offset will allow for the restoration and enhancement of existing threatened species communities located upon Council managed lands.
3. The on-going management of threatened species communities upon lands under the care and control of council is considered to provide for a superior outcome in this instance noting that the subject vegetation comprises of an isolated pocket which is weed infested and is surrounded on all sides by residential development.
4. The proposal will provide for the provision of an additional allotment suitable for the construction of a future dwelling in a manner which will have a similar impact upon the STIF were the existing rear allotment to be developed.

How the Draft Planning Agreement Promotes the Public Interest

It is submitted that the Draft Planning Agreement promotes the public interest by offsetting the proposed loss of STIF from the subject site (noting that the vegetation proposed for removal would be lost were the existing rear allotment to be developed for the purpose of a single dwelling) through the payment of a monetary contribution which will allow for the restoration and enhancement of existing threatened species communities located upon Council managed lands.

For Planning Authorities:

- (a) Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities
- (b) Other Public Authorities - How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted
- (c) Councils — How the Draft planning Agreement Promotes the Elements of the Council's Charter
- (d) All Planning Authorities — Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The Impact of the Draft Planning Agreement on the Public or Any Section of the Public

It is submitted that the Draft Planning Agreement promotes the public interest by offsetting the proposed loss of STIF from the subject site (noting that the vegetation proposed for removal would be lost were the existing rear allotment to be developed for the purpose of a single dwelling) through the payment of a monetary contribution which will allow for the restoration and enhancement of existing threatened species communities located upon Council managed lands.

Other Matters

Signed and Dated by All Parties

Condition of development consent

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, the planning agreement that relates to the development application the subject of this consent must be entered into before the issue of a Subdivision Certificate by the Council.