

Explanatory Note

Draft Planning Agreement for Joira Road, Dubbo – Council reference VPA22-004

Dedication of Land for road widening and Transfer of land for public recreation and sporting infrastructure

The purpose of this explanatory note is to provide a plain English summary to support the notification of a draft Planning Agreement for Joira Road, Dubbo (Lots 10 and 11 DP1142232).

1 Introduction

Clause 25E of the Environmental Planning and Assessment Regulation 2000 (the **Regulation**) requires a planning authority proposing to enter into a Planning Agreement under clause 7.4 of the Environmental Planning and Assessment Act 1979 (the **Act**) to prepare an explanatory note about the Planning Agreement.

This explanatory note relates to the Planning Agreement proposed to be entered into between Dubbo Regional Council and The Trustees of the Roman Catholic Church for the Diocese of Bathurst.

This explanatory notes has been prepared jointly by Dubbo Regional Council and The Trustees of the Roman Catholic Church for the Diocese of Bathurst as required by Clause 25E of the Regulation.

2 Parties

The Parties to the Planning Agreement are:

- Dubbo Regional Council (ABN 53 539 070 928) of Corner Church and Darling Street, Dubbo NSW 2830 (**Council**); and
- The Trustees of the Roman Catholic Church for the Diocese of Bathurst (ABN 23 501 787 578) 118 Keppel Street Bathurst NSW 2795 (the **Applicant**).

3 Background and description of the development

Council approved a development application (reference D2021-820) for a 59 lot residential subdivision on Lot 10 DP1142232 on 11 August 2022.

Lot 11 DP1142232, which is approximately 4 hectares, was 'gifted' to Council in 2004. This land is zoned RE1 Public Recreation under the provisions of the Dubbo Regional Local Environmental Plan 2022.

Council adopted the Dubbo City Transportation Strategy in October 2021. This Strategy includes a proposal for the widening of Minore Road up to the Joira Road intersection. The Applicant has taken this into account in the design of their subdivision.

4 Summary of objectives, nature and effect of the Planning Agreement

The objectives of the Planning Agreement are:

- the Applicant will transfer 1,196m² of land along the Minore Road frontage to Council for the purposes of road widening;
- the Applicant will receive an offset of \$229,125.91 under the provisions of Council's Section 94 Contributions Plan for Open Space and Recreation Facilities (2016-2026) on the basis that Lot 11 DP1142232 was gifted to Council in 2004;
- the Applicant will pay development contributions of \$100,366.67 to Council under the provisions of Council's Section 94 Contributions Plan for Open Space and Recreation Facilities (2016-2026), which will be used to embellish Lot 11 DP1142232.

Development site:



5 Assessment of the merits of the Planning Agreement

5.1 The planning purpose served by the Planning Agreement, and whether it provides for a reasonable means of achieving the planning purpose

The Planning Agreement facilitates the provision of road widening and embellishment of land for use as public recreation and sporting infrastructure. The Planning Agreement is a reasonable means for achieving these planning purposes.

5.2 How the Planning Agreement promotes the public interest and objects of the Act

The Planning Agreement promotes the public interest and objects of the Act by securing land for the purpose of road widening and for use as public recreation and sporting infrastructure. The Planning Agreement will provide a contribution to improving public assets in the Dubbo area.

The Planning Agreement promotes the objects of the Act by:

- promoting the orderly and economic development of land; and
- providing increased opportunity for community participation in the development of the Planning Agreement.

5.3 How the Planning Agreement promotes elements of the Council's charter under the Local Government Act 1993

The Planning Agreement promotes elements of Council's charter by:

- providing effective and efficient services to meet the diverse needs of the local community in a way that provides the best possible value for residents and ratepayers;
- investing in responsible and sustainable infrastructure for the benefit of the local community;
- providing a means that allows the wider community to make submissions to the Council in relation to the Planning Agreement; and
- managing lands and other assets so that current and future local community needs can be met in an affordable way.

5.4 How the Planning Agreement conforms to Council's capital works program

The works identified in the Planning Agreement directly address and responds to strategic priorities identified within relevant Council strategies, plans and delivery programs.

5.5 Whether the Planning Agreement specifies certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

Schedule 1 of the Planning Agreement identifies certain requirements that must be complied with before a subdivision certificate is issued.

6 Notes

This explanatory note is a summary only, and is not to be relied upon as a complete description or used as an aid in construing the Planning Agreement.