

## **VOLUNTARY PLANNING AGREEMENT**

[Part 4 Division 6 Subdivision 2 Environmental Planning and Assessment Act 1979]

**PORT STEPHENS COUNCIL**  
[“the Council”]

**AND**

**BUILDEV DEVELOPMENT (NSW) PTY LIMITED**  
[“the developer”]

**PROPOSED REZONING – 2(a) RESIDENTIAL TO 3(a) BUSINESS –  
MEDOWIE**

### **EXPLANATORY NOTE**

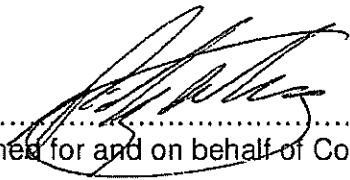
[clause 25E Environmental Planning and Assessment Regulation 2000]


1. The developer has requested the spot rezoning of 5 parcels of land (“the land”) at the intersection of Peppertree and Ferodale Roads Medowie from 2(a) residential to 3(a) business general.
2. The land is part of the land identified as the ‘town centre’ in the Medowie Strategy (“the Strategy”) adopted by Council on 24 March 2009.
3. The Strategy requires the preparation of an infrastructure plan to identify hard critical public infrastructure such as roads and drainage which will be required by all development both residential and commercial in the area covered by the Strategy. This plan has not yet been prepared.
4. The developer wishes to progress its request and, instead of waiting for the completion of the infrastructure plan, has offered to contribute to the wider infrastructure needs of the area covered by the Strategy in three ways:
  - (a) by funding the cost of a strategic traffic study to identify current and future intersection capacities based on the footprint in the Strategy and to recommend required upgrades;
  - (b) by contributing to the cost of a drainage study to identify the local sub-catchment and the drainage and water quality works required to upgrade the sub-catchment to the capacity required

to cater for the future land-use footprint and site coverage identified by the Strategy; and

(c) by dedicating part of the land to enable the widening of Peppertree Road.

5. The voluntary planning agreement, which Council and the developer propose to enter into, relates to contributions by the developer in support of its rezoning request only. When the developer lodges a development application in respect of the land, or any part of it, Council's discretion to impose conditions and contributions under either section 94 or section 94A of the Environmental Planning and Assessment Act 1979 ("the Act") appropriate to the impacts of the development remains unfettered.
6. This agreement promotes the public interest by helping to ensure that the cumulative impacts of future development in the area covered by the Strategy are identified and taken into account at an early stage, with appropriate contributions from those developments contributing to the meeting the costs occasioned by those cumulative impacts.
7. This agreement promotes the objects of the Act by contributing to the promotion and co-ordination of the orderly and economic use and development of land.
8. This agreement promotes that element of Council's charter under section 8 of the Local Government Act 1993 which requires Council to engage in long-term strategic planning on behalf of the local community.
9. This agreement serves the planning purposes of identifying the needs of the broader area surrounding the land and consequently allowing appropriate planning decisions to be made on the basis of this information.
10. This agreement does not conform with Council's current capital works program for the Medowie area. This program will be updated once the additional information obtained from the traffic and drainage studies is available.

  
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Signed for and on behalf of Council

  
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Signed for and on behalf of the Developer

Dated: 26/7/2010

**This explanatory note has been jointly prepared by the Council and the developer.**