



Clifftleigh Planning Agreement - Deed of Amendment 2

1. INTRODUCTION

Clause 25E of the *Environmental Planning and Assessment Regulation 2000* requires a planning authority to prepare an explanatory note when proposing to enter into, amend or revoke a planning agreement.

This explanatory note relates to the proposed amendment to the Clifftleigh Urban Precinct Planning Agreement (Planning Agreement) between Winten (No 23) Pty Limited (the Developer) and Cessnock City Council (Council) in respect of land at Clifftleigh.

2. BACKGROUND

Council and the Developer entered into the Planning Agreement on 20 August 2008 and a Deed of Variation to the Planning Agreement on 22 December 2016. The Planning Agreement requires a combination of monetary contributions, dedication of land and provision of facilities for the development of 977 lots.

On 3 December 2018 the Developer provided a letter of offer to Council to amend the Planning Agreement. At the Ordinary Council Meeting of 20 February 2019 (Report PE5/2019) Council resolved in part:

1. That Council prepare a draft Deed of Amendment for the Clifftleigh Urban Precinct Planning Agreement in accordance with the offer from Winten Property Group.

To date, the Developer has undertaken works, dedicated land, or provided a Bank Guarantee to meet the requirements in Schedule D of the Planning Agreement up to the 600th lot.

3. THE AMENDMENT

The Deed of Amendment No.2 amends the Planning Agreement in the following ways:

1. The developer is required to provide a cash contribution of \$650,000 for a Multipurpose Community Centre in lieu of providing the Neighbourhood Community Centre to the same value.
The Developer is required to pay this cash contribution to Council prior to the issue of the Subdivision Certificate that creates the 800th lot in the development.
2. Removal of the requirement to provide a Neighbourhood Childcare Centre valued at \$1,600,000.
3. 1,000m² of land previously required to be dedicated to Council for the Neighbourhood Community centre will now be dedicated to Council for open space purposes.
4. 1,000m² of land previously required to be dedicated to Council for the Neighbourhood Childcare centre will now be dedicated to Council for open space purposes.

5. The developer is required to dedicate an additional 11,240m² parcel of land adjacent to the existing Open Space and Recreation facility located on William Tester Drive. This is in lieu of providing the neighbourhood childcare centre valued at \$1,600,000 and dedicating land behind Main Road Cliftleigh. This is required prior to the issue of the Subdivision Certificate that creates the 900th lot.
6. Removal of item 11.1 in Table 2 of Attachment D (open space land on Tarrango Street). Instead the developer is providing additional open space land at William Testers Drive as mentioned at point 5

4. SUMMARY

By accepting the offer from the developer, Council has acknowledged that the amended Planning Agreement will provide an improved material public benefit to the residents of Cliftleigh and surrounding community. Below is a summary of benefits arising from the Deed of Variation No. 2:

- The funds from the Neighbourhood Community Centre (\$650,000) could be combined with development contributions collected from neighbouring urban release areas to build a multipurpose Community Centre. Multi-purpose Centres offer more flexible spaces that accommodate a variety of activities and population groups as the needs of communities change. Multi-purpose community centres often include combinations of formal meeting and function rooms, community office accommodation, recreation and leisure group activity space, education training rooms and specific purpose activities such as neighbourhood activities, youth programs and playgroups. This is consistent with the Community Infrastructure Strategic Plan 2017.
- The Community Infrastructure Strategic Plan 2017 indicates that the number of early childhood facilities in the Kurri Kurri and Surrounds Planning Area exceeded the suggested planning standards. Given the private market's growing provision of childcare services it is envisioned the requirement for a centre-based childcare facility will be met by the private market.
- Land fronting Tarrango Street Cliftleigh will not be dedicated to Council as open space.
- The offer from Winten Property Group proposes to dedicate a larger portion of land on the western side of William Tester Drive. This will allow for one large consolidated recreational parcel of land to be dedicated to Council. Centralising and consolidating open space areas has many benefits including the quality of open space provided, diversity in opportunities available for users and reduced costs in maintaining the facility.

The proposed amendments do not materially change the value of the contributions to be made by the Developer, and accordingly the objectives and the merits of the original Planning Agreement (as amended) remain unchanged.

This explanatory note has been jointly prepared between the parties as required by clause 25E of the Environmental Planning and Assessment Regulation 2000 and is not to be used as an aid in construing the Amended Planning Agreement (Deed of Variation No. 2).