

FACT SHEET

Voluntary Planning Agreement (VPA) - information requirements



The following is a list of the information that must be provided to the Council to enable the Council to consider a developer's proposal to negotiate a VPA under Section 93F of the Environmental Planning and Assessment Act 1979 with the Council.

This information must be submitted to Council using the Voluntary Planning Agreement online form available at: <https://www.coffsharbour.nsw.gov.au/Your-Council/Publications-and-forms/Forms>.

Council may require additional information depending on the particular proposal concerned.

1. Relevant background on the project to which the VPA applies and the developer and related entities involved in the project.
2. A justification of why the Council should consider negotiating a VPA in relation to the project.
3. A description of the land to which the VPA applies, preferably by reference to Lot/DP and shown on a map/plan showing the land distinctively marked.
4. Details of any planning proposal to which the VPA relates, if applicable.
5. A description of the proposed development to which the VPA applies.
6. Details of any development application, development consent, or application to modify a development consent to which the VPA relates.
7. A map/plan showing staging of the development on the land to which the VPA applies, if applicable.
8. Details of the owner of the land to which the VPA applies.
9. Details of the person or entity who will carry out the development to which the VPA applies.
10. If any entity is entering into the VPA in its capacity as a trustee, details of the trust arrangements, including a copy of the trust deed.
11. The development contributions and material public benefits the developer proposes to provide to the Council under the VPA, if possible provided in accordance with the following table:

Contribution/Benefit	Description / Details	Timing (eg., linked to the issuing of Part 6 certificates under the EPA Act, staging of the development or otherwise)	Contribution Value \$
Monetary Contributions			
##	##	##	##
Dedication of Land (free of cost)			

##	##	##	##
Works-in-kind			
##	##	##	##
Other material public benefits			
##	##	##	##

12. If works-in-kind are proposed to be provided, details of whether the works are contained in the works schedule of a contributions plan adopted by the Council and the extent to which the contributions plan works are proposed to be provided.

13. A map/plan identifying land to be dedicated or showing the location of works to be carried out, or material public benefits to be provided (if applicable).

14. If an applicable local environmental plan require the developer to make satisfactory arrangements to the Council in relation to specific public infrastructure, which items covered by the VPA are intended to satisfy those arrangements.

15. Whether the VPA will wholly or partly exclude the application of s7.11 and/or s7.12 of the EPA Act to the development to which the VPA applies and the reason(s) why.

16. If the VPA does not exclude the application of s7.11 and/or s7.12 of the EPA Act to the development, whether the Council is required to take the benefits provided under the VPA into consideration when deciding to impose a contribution requirement under s7.11 or s7.12.

17. If the value of contributions under the VPA exceed the value of contributions required under s7.11 or s7.12 of the EPA Act or the cost of works specified in the works schedule to the applicable contributions plan ('surplus value'), whether the developer wishes to claim a credit for the surplus value and how/when the surplus value can be used/applied.

18. Details of the security to be provided by the developer to the Council to secure performance of the developer's obligations under the VPA.

19. Whether the VPA will be registered on the title to the land to which the VPA applies and the arrangements that apply to removal of registration from title.

20. Arrangements relating to payment of the Council's legal costs of negotiating, preparing and executing the VPA.

21. Details of any special provisions required to be included in the VPA.

22. Other information as may be required by the Council in the particular circumstances of the case.