

ITEM WITHOUT NOTICE

PROPOSED VOLUNTARY PLANNING AGREEMENT BETWEEN MURRUMBIDGEE COUNCIL AND VIRYA ENERGY PTY LTD

RECOMMENDATION

This item without notice be accepted and referred to the February 2024 meeting of Council, as it requires resolution before the next scheduled meeting.

ITEM WITHOUT NOTICE - PROPOSED VOLUNTARY PLANNING AGREEMENT BETWEEN MURRUMBIDGEE COUNCIL AND VIRYA ENERGY PTY LTD

Council Meeting:	27 February 2024
Report Date:	21 February 2024
Author:	Director Planning Community & Development
Approval:	General Manager
Container No:	DA23/4174

EXECUTIVE SUMMARY

This report seeks Council approval to commence public notice of Council's intention to enter into a Voluntary Planning Agreement (VPA) with Virya Energy Pty Ltd relating to the development of the Yanco Delta Wind Farm

RECOMMENDATION

Council commence public notice for a period of twenty eight days, advising that Murrumbidgee Council proposes to enter into a Voluntary Planning Agreement with Virya Energy Pty Ltd relating to State Significant Development 41743746 - Yanco Delta Wind Farm.

BACKGROUND

The Yanco Delta Wind Farm was granted conditional consent by the NSW Minister for Planning and Public Places on 21 December 2023.

A condition of this consent required that Virya Energy Pty Ltd "*enter into a VPA with each relevant council prior to commencing construction*".

OFFICER COMMENT

A VPA is a voluntary agreement between a planning authority (i.e. Council) and a developer who has made a development application under which the developer is required to pay a monetary contribution to be applied to a public purpose, such as the provision of public infrastructure.

Discussions between Council and Virya Energy concerning the content of a VPA have resulted in the creation of a proposed VPA based on Council's existing Section 7.12 Developer Contributions Plan for the provision of community approved intergenerational infrastructure.

As a result of these discussions, Virya Energy have agreed to fund the construction of a new Medical Centre in Jerilderie to the amount of \$5,000,000.

SUSTAINABILITY

The proposed VPA will result in the construction of a new Medical Centre in Jerilderie which, without this agreement, may not have eventuated or may not have been completed in the foreseeable future.

Therefore, it is considered that this agreement will significantly increase the sustainability of Jerilderie and surrounds well into the future.

STATUTORY COMPLIANCE/POLICY

In accordance with Subdivision 2 of the Environmental Planning and Assessment Act 1979, Council must provide notice that it proposes to enter into a planning agreement in the same way as the notice was given for the development application to which the VPA applies. In this instance Council's Community Participation Plan requires a minimum notice period of 28 days.

Council is also required to prepare Explanatory Notes to summarise the objectives, nature and effect of the proposed agreement. The Explanatory Notes are as follows:

1. Murrumbidgee Council, as a planning authority, has adopted a Section 7.12 Developer Contributions Plan that identifies the construction of a new Medical Centre in Jerilderie as a high priority, and which also enables Murrumbidgee Council to seek developer contributions to assist in the funding of this centre.
2. Virya Energy Pty Ltd is a developer who has received approval to develop the Yanco Delta Wind Farm partly in the Murrumbidgee Council area.
3. Virya Energy Pty Ltd has agreed to pay a developer contribution of \$5,000,000 to Murrumbidgee Council to fund the construction of a new medical centre in Jerilderie under a Voluntary Planning Agreement.

FINANCIAL

Costs associated with the preparation of the VPA have been the responsibility of the developer.

INTEGRATED PLANS

Community Strategic Plan

Action 1.1.4.4

Seek possible funding sources (grant funding, developer contributions) for the construction of a new Doctor's surgery in Jerilderie.

RISK MANAGEMENT

N/A

CONSULTATION

Council's Section 7.12 Developer Contributions Plan was adopted by Council on 24 October 2023 following widespread Councillor and community consultation.

OPTIONS

The adoption of the current Section 7.12 Developer Contributions Plan establishes the funding of a new medical centre as a high priority.

Should Council wish to enter into a VPA with Virya Energy Pty Ltd to fund this project it is obligated to undertake public exhibition for a period of twenty eight days of its intention.

Option 1 (recommendation)

Council commence public notice for a period of twenty eight days, advising that Murrumbidgee Council proposes to enter into a Voluntary Planning Agreement with Virya Energy Pty Ltd relating to State Significant Development 41743746 - Yanco Delta Wind Farm

Option 2

Another recommendation of Council.

ATTACHMENTS

NIL