

EXPLANATORY NOTE FOR PROPOSED PLANNING AGREEMENT (ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021 (NSW), s 205)

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a proposed planning agreement (**VPA**) under section 7.4(1) of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

The Parties to the VPA are:

1. Murrumbidgee Council ABN 53 573 617 925 (**Council**)
2. Yanco Delta Wind Farm Pty Ltd ACN 655 210 567 (**Yanco Delta**)
3. Minister for Planning and Public Spaces ABN 20 770 707 468 (**Minister**)

Council and Yanco Delta are the principal Parties to the VPA. The Minister is a Party to the VPA as the consequence of a statutory procedural requirement.

Objectives, Nature, and Effect of Proposed Agreement (*Environmental Planning and Assessment Regulation 2021* (NSW), s 205(1)(a))

In summary, the nature and effect of the VPA will be as follows:

1. Yanco Delta will make a contribution of \$5,000,000.00 to Council payable in two amounts:
 - a. An Initial Amount payable upon the Yanco Delta Wind Farm (**Wind Farm**) securing access rights to the access rights network in South West Renewable Energy Zone where the contribution amount payable upon securing access rights will be proportional to the Megawatt access rights secured (where 1500MW is equivalent to the maximum of \$5,000,000.00) and
 - b. A Final Amount being \$5,000,000.00 less the Initial Amount payable prior to the Commencement of Construction of the Wind Farm.
2. Sections 7.11, 7.12, and 7.24 of the EP&A Act will be excluded from applying to the Wind Farm, approved under State Significant Development Application SSD-41743746; and
3. The monetary contributions made by Yanco Delta are to be applied by Council to the construction of a new medical centre in Jerilderie to provide a range of medical services to the local community, with at least 25% of the contributions received by Council to be applied towards infrastructure or services within an Indigenous health facility.

The objectives of the VPA are:

1. To contribute to the delivery of a new medical centre in Jerilderie, identified as a high priority by Council's Section 7.12 Contributions Plan, in a timely and efficient manner; and
2. The leveraging of the Wind Farm towards the material benefit of the Murrumbidgee community and the public interest at large; and
3. The provision of additional funds towards community infrastructure which benefits the Indigenous community, specifically in relation to health outcomes.

Assessment of Merits of Proposed Agreement (*Environmental Planning and Assessment Regulation 2021* (NSW), s 205(1)(b))

- The VPA will provide a significant material benefit to the public by providing a new item of community infrastructure in Jerilderie, one of the major population centres under Council's jurisdiction.
- The new facility will provide a range of medical services to the local community and will make a positive contribution towards the improvement of local health outcomes.
- Of the monetary contributions made by Yanco Delta to Council, 25% is to be dedicated towards infrastructure or services within an Indigenous health facility.
- The VPA does not have any negative impacts on any sections of the public.

Matters Arising from Relevant Practice Notes (*Environmental Planning and Assessment Regulation 2021* (NSW), s 205(2))

This Explanatory Note has considered the "*Planning agreements - Practice note - February 2021*" practice note (**Practice Note**) issued by the Planning Secretary under section 203(6) of the *Environmental Planning and Assessment Regulation 2021* (NSW) (**EP&A Regulation**).

In addition to the matters in sections 205(1) and 205(2) of the EP&A Regulation, section 4.6 of the Practice Note prescribes three requirements for explanatory notes:

1. *Identify how the agreement promotes the public interest* - The VPA will promote the public interest by contributing to the funding of a new item of community infrastructure in Council's most significant population centre, which will contribute positively towards the improvement of local health outcomes. In addition, 25% of the contributions received by Council are to be dedicated towards infrastructure or services within an Indigenous health facility.
2. *Identify whether the agreement conforms with the planning authority's capital works program, if any* - The VPA will exclude the operation of Council's Section 7.12

Developer Contributions Plan, but will collect a single monetary contribution which is to fund a new medical centre in Jerilderie, which the Section 7.12 Contributions Plan identifies as a high priority for the Murrumbidgee Council LGA.

3. *State whether the agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued* - The VPA requires the complete payment of Yanco Delta's monetary contribution prior to the commencement of excavation of the first wind turbine foundation associated with the Wind Farm.

This Explanatory Note has otherwise considered, and accords with, the guidance for explanatory notes provided by section 4.6 of the Practice Note.