

**ADDENDUM TO DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REPORT – MAJOR PROJECT ASSESSMENT NO: [MP05\_0125].**

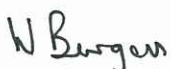
**Section 5.7 Social and Economic**

The proponent entered into a Voluntary Planning Agreement with the Council upon gazettal of the LEP amendment pursuant to section 93F of the Act dated 27 February 2007. This Planning Agreement ("VPA") provides for both monetary contributions to be paid to Council as well as the provision of infrastructure to provide a material public benefit. The monetary contributions consist of the Section 94 contributions payable under the Council's Section 94 Contributions Plan as well as additional funds which were negotiated between the Proponent and the Council during the rezoning for various community projects.

The material public benefit works include the construction of two new intersections along the Lakes Way. The first consists of the main access road into the site from The Lakes Way which will be via a new road located approximately 500 metres from the northern boundary of the development site and will consist of a three-way single lane roundabout. The second intersection will consist of the new access road to BBNP with The Lakes Way.

The VPA was discussed with the Department's Legal Branch who advised that the Minister could not impose conditions requiring compliance with the terms of the Planning Agreement. A Planning Authority can only require a developer to enter into a Planning Agreement in accordance with the terms of an offer made under section 93I(3) of the Act. It was therefore recommended that the section 94 contributions required by the Council's Contributions Plan be levied directly through the conditions of the Project Approval to provide more certainty for the payment of these funds.

The additional monetary contributions and material public benefit works are to be sought by the Council for the other community projects through an amended VPA. Accordingly, the Proponent revised the Statement of Commitments to include the terms of an offer to enter into a Planning Agreement for these matters outside of the section 94 contributions plans.



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9 July 2008

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**Section 5.7 Social and Economic**

This section is amended due to further legal advice in consideration of the VPA. S94 contributions as included in the VPA, and the upgrading of the culvert have now been placed as conditions of the approval. The proponent will enter into an amended VPA with Great Lakes Council covering the public benefit works to the value of \$1 million together with the roundabout works. The proponent has amended the Statement of Commitment such that the current version dated 8 July 2008 indicates that the offer to enter into an amended VPA has been made.



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