

FACT SHEET

– Planning Agreements



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What are Planning Agreements?

A planning agreement is a voluntary arrangement between a planning authority and a developer made in association with a development application or LEP amendment in which the developer offers to make a contribution to Council. The contribution may be a monetary contribution, works, or dedication of land.

1. What can Planning Agreements be used for?

Planning Agreements can be used for more flexible purposes than can Section 94 or Section 94A contributions, and in some circumstances can be a useful alternative means of providing services or infrastructure. The legislation specifies that Planning Agreements can be used for a “public purpose”, which includes the following:

- The provision of (or the recoupment of the cost of providing) public amenities or public services
- The provision of (or the recoupment of the cost of providing) public housing
- The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land
- The funding of recurrent expenditure relating to the provision of public amenities, or public services, affordable housing or transport or other infrastructure
- The monitoring of the planning impacts of development
- The conservation or enhancement of the natural environment

2. How do Planning Agreements affect the payment of a Section 94 or a Section 94A contribution?

In some cases, Council will agree to negotiate a planning agreement in exchange for a full or partial offset of the Section 94 or Section 94A contribution. However in other cases, the Section 94A or Section 94A contribution will still be required. Whether an offset will be agreed to by Council will depend upon the circumstances. Refer to Council’s Planning Agreements Policy for more information about this matter.

3. Why does Council have a Planning Agreements Policy and what is included in it?

Council has prepared a Planning Agreements Policy (currently in draft form) to provide a framework for the preparation and consideration of planning agreements. It includes the following principal content:

- Suitability criteria for planning agreements (secs 4.2-4.5)
- Council’s rules for planning agreements (sec 4.7)
- Management of probity issues (sec 4.8)

4. What should be included in a Planning Agreement?

A planning agreement must above all else address the legislative requirements included in Section 93F of the Environmental Planning and Assessment Act.

Council will also expect that all Planning Agreements are prepared to comply with its Planning Agreements Policy (currently in draft form) when this has been adopted by Council. The Planning Agreements Policy can be found here ([attach link](#))