

Part 6.2 of Council's Planning Agreements Guidelines provide as follows:

“Council will publicly re-notify and make available for public inspection a proposed planning agreement if, in Council's opinion, a material change is made to the terms of the planning agreement after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the planning agreement or the development proposal, or their formal consideration by Council, or for any other reason.

This would be the case where proposed changes would materially affect:

- *How any of the matters specified in section 93F(3) of the Act are dealt with by the planning agreement;*
- *Other key terms and conditions of the planning agreement;*
- *The planning authority's interests or the public interest under the planning agreement; or*
- *Whether a non-involved member of the community would have made a submission objecting to the change if it had been exhibited.”*

In this case it is noted that:

- a. *The essence of the amended agreement is a substantial increase in the offer being made by the developer.*
- b. *Execution of the amended agreement would serve the public interest by making finance available for Council to provide amenity improvements in the locality.*
- c. *There were no public submissions received in response to the public exhibition of the earlier version of the agreement*
- d. *It is highly unlikely that any member of the community would have objected to the agreement in its current form, given that the developer's annual monetary contribution has increased from \$6,000 to \$10,000.*