

Draft Planning Agreement

Shoalhaven City Council and RG Property Ten Pty Ltd

Explanatory Note

Draft Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979* (the **Act**).

1. Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 of the Act.

This Explanatory Note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

2. Parties to the Planning Agreement

The parties to the Planning Agreement are:

- **Shoalhaven City Council** - ABN 59 855 182 344 of City Administration Centre, 36 Bridge Rd, Nowra 2541 NSW (the **Council**); and
- **RG Property Ten Pty Ltd** – ACN 601 089 329 of Suite 1401, Level 14, Pitt Street, Sydney NSW 2000 (the **Developer**).

3. Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to 18 Haigh Avenue (Lot 1 in DP 781046) and 103 Plunkett Street (Lot 1001 in DP 1176270), Nowra (the **Land**).

4. Description of the Change to the Environmental Planning Instrument and the Proposed Development

On 9 August 2016 Council granted consent to the Developer's development application DA15/2291 (**Development Consent**). The Development Consent is for the partial demolition of existing structures, alterations to an existing building, construction of a service station (BP), food and drink premises (McDonalds), car parking, signage and associated works (**Development**).

5. Summary of objectives, nature and effect of the Planning Agreement

The parties have agreed to enter into the Planning Agreement.

Objectives of the Planning Agreement

The objectives of the Planning Agreement are to provide development contributions for the benefit of the public in the form of the payment of a monetary contribution. The monetary

contribution is to be applied towards the road improvements at Plunkett Street, Nowra (Development Contribution).

Nature and effect of the Planning Agreement

The Planning Agreement will not come into effect until the Developer notifies the Council in writing that it intends to commence the Development.

The terms of the Planning Agreement require the Developer to make a monetary contribution of \$100,000 to Council prior to the issue of a Construction Certificate for stage 2 of the Development.

The Council must apply the monetary contribution towards the carrying out of the design, approval and construction of the future upgrade of the intersection of Princes Highway and Plunkett Street, Nowra.

6. Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 93F(2)(c) of the Act, the Planning Agreement has the following public purposes:

- (1) the provision of (or the recoupment of the cost of providing) public amenities or public services; and
- (2) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Council and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by requiring the Developer to pay a monetary contribution to Council which will be spent on a public purposes.

The Development Contribution will have a public benefit by improving the road infrastructure in the local community.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by:

- promoting and co-ordinating the orderly and economic use and development of the Land;
- the provision and co-ordination of community facilities; and
- the proper management and development of artificial resource for the purpose of promoting the social and economic welfare of the community.

How the Planning Agreement Promotes the Elements of the Council's Charter

The Planning Agreement promotes the principles of the *Local Government Act 1993* by allowing Council to provide facilities appropriate to the current and future needs of the local community and the wider public and to improve and develop the resources of the area.

The Planning Agreement promotes the elements of Council's Charter under Section 8 of the *Local Government Act 1993* by:

- providing appropriate services for the community and ensuring that those services are managed efficiently and effectively;
- enabling Council to properly manage, develop, restore and enhance the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development; and
- effectively plan for, account for and manage the assets for which it is responsible, such as the local road networks.

The Impact of the Draft Planning Agreement on the Public or Any Section of the Public

The Planning Agreement will have a positive impact on the public as it will provide upgrades and expand the existing transport infrastructure through a payment of a monetary contribution to Council.

Requirements relating to Construction and Occupation Certificates

The Planning Agreement provides that the monetary contribution will be paid to Council prior to the issue of a Construction Certificate for stage 2 of the Development.