

Explanatory Note
Shoalhaven City Council
and
Ozy Homes Pty Ltd ACN 163 519 079
Draft Planning Agreement

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 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979 (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**).

Parties to the Planning Agreement

The parties to the Planning Agreement are Shoalhaven City Council (Council) and Ozy Homes Pty Ltd ACN 163 519 079 (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 172 DP 755923; and
- Lot 823 DP 247285

at Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into 182 residential lots generally in accordance with the determination issued by the Minister for Planning on 8 July 2008 for Major Project Application No. 05-0059 (**Development**).

Summary of Objectives, Nature and Effect of the Planning Agreement

Condition B28 of the Minister's determination requires a Planning Agreement to be entered into with the Council, the terms of which require a monetary payment as indicated in the third column in the table below towards the provision of works described in the second column in the table below:

<i>Item</i>	<i>Description</i>	<i>Amount</i>
1	<i>Extension of the Community Hall, Yulunga Reserve</i>	<i>\$36,134.00</i>
2	<i>Upgrade Foreshore Facilities, Including the Provision of Car Parking</i>	<i>\$15,265.00</i>
3	<i>Upgrade Works to Bendalong Road and Inyadda Drive</i>	<i>\$56,160.00</i>
4	<i>Construction of a Rural Road Type B Intersection, Bendalong Road and Inyadda Drive</i>	<i>\$12,721.00</i>
<i>Total</i>		<i>\$120,280.00</i>

The monetary contribution will be payable prior to a subdivision certificate. The requirement for the timing of the payment is set out in Schedule 4 to the Planning Agreement.

The Developer is not required to provide a Bank Guarantee. The Developer is required to register the Planning Agreement on the title to the Subject Land.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of works described in column 2 of the table above.

Assessment of Merits of Planning Agreement

The Planning Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement serves the following public purposes:

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

The Planning Agreement will provide a reasonable means of achieving the public purposes set out above. This is because it will ensure that the Developer makes appropriate contributions towards the provision of public amenities and infrastructure.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of public amenities and infrastructure including demand for public amenities and infrastructure that will arise from development of the Subject Land.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion of the orderly and economic use and development of land.

The Planning Agreement promotes the object of the Act set out above by requiring the Developer to make a contribution towards the provision of public amenities and infrastructure.

How the Planning Agreement Promotes the Principles for Local Government

The Planning Agreement promotes the principles for Local Government (formerly the Council's Charter) by encouraging Council to manage land and other assets so that current and future local community needs can be met in an affordable way.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or an occupation certificate.

The Planning Agreement requires the Development Contribution to be paid prior to the issue of a relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15 (1) (d) of the Act.

Whether the Agreement Conforms with the Council's Capital Works Program

The contribution will not be inconsistent with capital works to be implemented by the Council.