

## Explanatory Note

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*Environmental Planning and Assessment Regulation 2021*

(Section 205)

## Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

### Parties

**Council**                      **Shoalhaven City Council** ABN 59 855 182 344 of 36  
Bridge Road, Nowra NSW 2541

**Developer**                      **Twin Nowra Estate Pty Limited** ACN 615 915 467  
of Bruzzano & Associates, Suite 2, 109 Victoria Road,  
Drummoyne, NSW 2047

### Description of the Land to which the Draft Planning Agreement Applies

Lot 60 DP 1281408 and the part of Old Southern Road, South Nowra on which the Developer Works are required to be provided under this Deed.

### Description of Proposed Development/Instrument Change

Development the subject of development application SF10743 lodged with the Council by Allen Price and Scarratts Pty Limited as the applicant on 27 May 2019 on behalf of the Developer for a 158 lot residential Torrens title subdivision of the Land and the creation of lots for each item of Dedication Land specified or described in Part B of the Development Contributions Table as amended by the applicant.

### Description of Development Contributions

- Dedication of land and embellishment works for a public reserve.
- Dedication of land for a drainage reserve.
- Dedication of land for a sewer pumping station.
- Constructions of public roads.

## **Old Southern Road, Nowra (Stage 2) Planning Agreement Explanatory Note**

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In relation to the above, see the following schedules in the Planning Agreement:

- Schedule 2: Development Contributions Table
- Schedule 3: Dedication Land Plan
- Schedule 4: Developer Works Location Plan
- Schedule 5: Developer Works Plans and Drawings

## **Summary of Objectives, Nature and Effect of the Draft Planning Agreement**

### **Objectives of Draft Planning Agreement**

The objective of the Planning Agreement are:

- to secure the provision by the Developer of public infrastructure to address the likely impacts of the Development, and
- to secure public benefits in connection with the Development.

### **Nature of Draft Planning Agreement**

The Planning Agreement is an agreement between the Council and the Developer under section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) that is entered into in connection with development application SF10743 to carry out the Development under which the Developer is required to dedicate land and carry out works for or towards various specified public purposes.

### **Effect of the Draft Planning Agreement**

The Planning Agreement requires the Developer to dedicate land and carry out works for or towards various specified public purposes. The land the Developer is required to dedicate for public reserve under the Planning Agreement relates to 01OREC0013 in *Shoalhaven Contributions Plan 2019*.

The road works required to be carried out by the Developer under the Planning Agreement relate to Project 01ROAD2038 in *Shoalhaven Contributions Plan 2019*.

The Planning Agreement precludes the consent authority for the Development from imposing a condition of development consent for the Development under section 7.11(1) of the *Environmental Planning and Assessment Act* requiring a contribution towards Project 01OREC0013 and Project 01ROAD2038.

The Planning Agreement requires the Developer to provide financial security to the Council for the performance of its obligations under the agreement.

The Planning Agreement is required to be registered on the title to the Land.

The Planning Agreement imposes restrictions on the Developer's ability to assign its rights or obligations under the agreement or to novate the agreement or to sell the Land unless and until it has performed its obligations under the agreement.

## **Assessment of the Merits of the Draft Planning Agreement**

**The Planning Purposes Served by the Draft Planning Agreement**

the Planning purposes served by the Planning Agreement are to ensure that public infrastructure to address the likely impacts of the Development is provided in connection with the Development

**How the Draft Planning Agreement Promotes the Public Interest**

the Planning Agreement promotes the public interest by securing the provision of public infrastructure to address the likely impacts of the Development, and securing public benefits in connection with the Development.

**Assessment of the positive or negative impact of the Draft Planning Agreement on the public or relevant section of the public**

The Planning Agreement has no negative impact on the public or any section of the public as far as the Council is aware.

**Whether the Draft Planning Agreement Conforms with the Planning Authority's Capital Works Program**

The Planning Agreement is not inconsistent with the Council's Capital Works Program.

**Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

Yes. The Planning Agreement requires the Developer to dedicate land and carry out works for public purposes under the agreement prior to the issuing of a Subdivision Certificate for the Development.