

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

Southern Cross Community Housing ABN 50 307
328 813 of 69 Kinghorne Street Nowra NSW 2541

Description of the Land to which the Draft Planning Agreement Applies

Lot 129 DP 3060, Lot 110 DP 131219 and Lot 1 DP 520502.

Description of Proposed Development/Instrument Change

Development the subject of the Deferred Commencement Consent SF10851 granted on 20 December 2022 for demolition of a cattle yard and site remediation works, seven Lot Torrens Title subdivision including six Torrens Title lots and one public reserve, construction of new roads engineering and site works and dedication of land.

Description of Development Contributions

- Dedication of land as public reserve and associated works specified in the Vegetation Management Plan relating to the public reserve land including revegetation, construction of a detention basin, screen planting and other works.

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- Dedication of land for drainage reserve and associated works specified in the Vegetation Management Plan relating to the drainage reserve land including revegetation, construction of a detention basin, screen planting and other works.

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 objectives 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 the Deferred Commencement Consent SF10851 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 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 within 7 days of the issuing of a Subdivision Certificate for the Development.