


SOUTHERN REGIONAL PLANNING PANEL

SUPPLEMENTARY MEMO

SRPP No	PPSSTH-24
DA Number	DA0501/2019
Local Government Area	Shellharbour City Council
Proposed Development	Residential Flat Building consisting of 116 apartments, basement parking.
Location	Lot 9009 DP1254656 (Formally Lot 1091 DP1254727) Harbour Boulevard, Shell Cove (Precinct B2).
Applicant	Australand Corporation (NSW) Pty Ltd trading as Frasers Property Australia (Applicant)
Owner	Shellharbour City Council
Supplementary Report prepared by	Madeline Cartwright, Senior Development Assessment Officer
Signature	
Date of report	23/07/2020

1. Purpose of supplementary memo

The purpose of this supplementary memo is to address the Gazetted Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020.

The Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020 took effect from the 8 July 2020 and applies to all consent authorities including any local Planning Panel when exercising the function of Council as a consent authority. The Direction relates to the timing of Section 7.11 of the *Environmental Planning and Assessment Act 1979* (The Act) contribution payments.

This Direction relates to the erection of new buildings if Part 6 of the Act will require an occupation certificate prior to occupation or use.

The Direction does not apply to development if;

- the estimated cost of development is less than \$10,000,000,
- the development includes subdivision of land,
- the development is subject to an application for a complying development certificate (CDC).

The proposed development subject of this memo relates to the erection of new buildings which will require an occupation certificate under Part 6 of the Act, the Capital Investment Value (CIV) for the development is \$78,970,341. The proposed development will not include the subdivision of land and is not subject to an application for a CDC. Consequently the Direction applies to this development.

2. Recommendation

The recommendation made in the Assessment Report remains the same, the Direction results in the need for modification of the schedule of recommended conditions provided as **Attachment 1**. Condition 15 relates to Section 7.11 Development Contributions, it is recommended that this condition is modified as follows;

- a. Original recommended condition, wording to be removed in strike-through text.

Section 7.11 Development Contributions

A contribution of \$1,217,395.75, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services ~~prior to the issue of the Construction Certificate~~. This amount has been calculated in accordance with Shellharbour City Council's Local Infrastructure Contributions Plan 2019 9th Review 14 August 2019 in the following manner:

- Residential contribution - Precinct 2, Shellharbour - \$1,308,813.85
- Less credit for Passive Open Space Embellishment C1.26 CE - (\$91,418.10)

~~The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the Contributions Plan. Current indexed rates are available from Council.~~

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au.

- b. Modified recommended condition.

Section 7.11 Development Contributions

A contribution of \$1,217,395.75, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services. This amount has been calculated in accordance with Shellharbour City Council's Local Infrastructure Contributions Plan 2019 9th Review 14 August 2019 in the following manner:

- Residential contribution – Precinct 2, Shellharbour - \$1,308,813.85
- Less credit for Passive Open Space Embellishment C1.26 CE – (\$91,418.10)

In accordance with the *Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020* this contribution must be paid prior to the issue of the first Occupation Certificate for a building to which this consent relates unless the Construction Certificate for the development is issued after 25 September 2022, in which case the contribution is payable prior to the issue of the Construction Certificate.

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au.

PPSSTH-24 DA 0501/2019

Lot 9009 DP1254656 (formally Lot 1091 DP 1254727), Harbour Boulevard, Shell Cove (Precinct B2)

Supplementary Memo
