

# **Proposed Planning Agreement**

## **Minister for Planning, Coastal Hamlets Pty Limited**

### **Explanatory Note**

#### **Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed planning agreement (the "**Planning Agreement**") prepared under Subdivision 2 of Division 6 of Part 4 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 Coastal Hamlets Pty Limited (the "**Developer**"), and the Minister for Planning. The Developer has made an offer to enter into the Planning Agreement in connection with project application MP 10 \_0204 for a residential subdivision at Catherine Hill Bay.

#### **Description of the Subject Land**

The Planning Agreement applies to those parts of the land comprised in Lot 100, 101, 102, 103 and 106 DP 1129872, Lot 1 DP 114989, Lot 1 DP 1129299 and Lot 1 DP 1151628 which are located at Montefiore Street Catherine Hill Bay (the "**Land**").

#### **Description of the Development**

Coastal Hamlets Pty Limited has sought approval under Part 3A of the Act for a 551 lot subdivision and associated earthworks and infrastructure on the Land ("the **Development**").

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

The Planning Agreement provides that the Developer will make contributions for the development on the land comprising the following:

- a contribution of \$902.26 per urban lot if paid prior to 30 June 2011 or \$1353.40 per urban lot if paid after 30 June 2011; and
- upgrade of the intersection of Montefiore Street and the Pacific Highway.

The Planning Agreement contains a schedule (being Schedule 4) setting out the timing for delivery of the Developer's Contributions.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's Contributions for increased demand on regional transport infrastructure and the proposed acquisition of land by the Minister for education and emergency services.

## **Assessment of Merits of Planning Agreement**

### **The Planning Purpose of the Planning Agreement**

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

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

The Minister for Planning and the Developer have assessed the Planning Agreement and hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above. This is because it will ensure that contributions for regional transport or other infrastructure and public services are paid in connection with the development of the land.

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

The Planning Agreement promotes the public interest by:

- securing funding towards the costs of regional transport or other infrastructure and public services.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the following objects of the Act:

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

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to provide monetary contributions for regional transport or other infrastructure and public services. This purpose represents an important public benefit, and the Developer's offer to contribute towards this purpose will have a positive public impact as funding will be secured to assist in the development of regional services and the regional infrastructure network.

### **Interpretation of Planning Agreement**

This Explanatory Note is not to be used to assist in construing the Planning Agreement.