

**Proposed Planning Agreement**  
**Minister for Planning and Infrastructure and**  
**Grindley Properties Pty Ltd (formerly known as Wallgrove Properties**  
**Pty Ltd)**

**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*.

**Parties to the Planning Agreement**

The parties to the Planning Agreement are Grindley Properties Pty Ltd (formerly known as Wallgrove Properties Pty Ltd) (the "**Developer**") and the Minister for Planning and Infrastructure ("**Minister**").

The Developer owns and intends to develop certain land at Shone Avenue, Horsley within the Wollongong City Local Government Area ("**the Land**"). A development application (DA-2010/1350) has been made in relation to the Land to the Wollongong City Council under Part 4 of the Act. The Developer has made an offer to enter into the Planning Agreement in connection with that application.

**Description of the Subject Land**

The Planning Agreement applies to Lots 3,5,6,9 DP 33650, Lot 4 DP 661032 and Lot N DP 103642.

**Description of the Proposed Development**

The development application, DA-2010/1350, seeks approval for the subdivision of the Land into approximately 116 lots, the construction of public roads and the demolition of existing structures ("**Proposed Development**").

The Proposed Development is currently proposed to be developed over 3 stages.

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

The Planning Agreement provides that the Developer will make a monetary contribution of \$608,080.00 (subject to indexation) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of the *Wollongong Local Environmental Plan (West Dapto) 2010* ("**the LEP**").

The amount of the monetary contribution has been calculated on the basis of an estimate of the net developable area comprised in the Proposed Development.

The monetary contribution will be payable on the execution of the Planning Agreement. The requirement for the timing of the payment is set out in Schedule 4 to the Planning Agreement.

If the monetary contribution is paid prior to 1 January 2012 the Developer will be entitled to a one third reduction to the amount otherwise payable.

To secure the obligation to provide the monetary contribution in circumstances where the contribution has not been paid upon execution of the Planning Agreement, the Developer has agreed to provide a bank guarantee to the Minister within 10 Business Days of the execution of the Planning Agreement.

The Planning Agreement is only required to be registered on title in the event that the Developer does not pay the monetary contribution on execution.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

No relevant capital works program by the Minister is associated with this agreement.

## **Assessment of the Merits of the 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 purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes appropriate contributions towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

### 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 infrastructure, facilities and services to satisfy needs that arise from development of the Land.

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

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

- 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 make a contribution towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

### 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, an occupation certificate or a subdivision certificate.

## **Interpretation of Planning Agreement**

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