

Darkes Road Proposed VPA
Minister for Planning and Infrastructure
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:

- The Minister for Planning and Infrastructure
- Lynden View Pty Ltd (the "**Developer**")
- Annette Therese Barham and Helen Margaret Barham (the owners of the Land).

The Developer has made an offer to enter into the Planning Agreement in connection with a development application for subdivision within the West Dapto Urban Release Area.

Description of the Subject Land

The Planning Agreement applies to that part of the land comprising that portion of Lot 201 in DP 1192033 (as subdivided from time to time) which is shown hatched on the copy of DP 1192033 which forms Attachment A to this Explanatory Note. The land is located at Darkes Road, Kembala Grange ("**Subject Land**").

Description of the Proposed Development and the West Dapto Urban Release Area

The Developer has lodged a development application (being DA 2014/185) for an 82 lot subdivision of the Subject Land ("**Proposed Development**"). The development application is currently being considered by Wollongong City Council.

The Proposed Development is located within the West Dapto Urban Release Area. West Dapto is the priority new release area to cater for future housing demand in the Illawarra region. Stages 1 and 2 of West Dapto were rezoned for development in May 2010.

The West Dapto Urban Release Area includes 1,450 ha of developable land located in the south-west of the Wollongong LGA generally between the Illawarra Escarpment and Lake Illawarra. West Dapto has the capacity for approximately 17 000 dwellings and 8 400 jobs over the next 30 to 40 years.

The new development is proposed to include a new town centre, a mix of detached and medium density housing and 175 ha of employment lands all of which will be supported by the Major Regional Centre of Dapto. Relative to the size of the entire new release area, the Proposed Development is a modest release located adjacent to the proposed new town centre to the south-west of Horsley.

In addition to West Dapto, there are a number of other zoned or potential land releases in the vicinity. Planning for all this growth has required State and local governments to consider the future infrastructure and servicing that will be required to support the full development of all

areas well into the future. The contribution required under this VPA represents a share of the overall infrastructure costs that is appropriate to the size of the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$308,391 (subject to CPI) to the NSW Government which will go towards the provision of infrastructure and facilities to support the development. In particular it is intended the contribution will be used to meet the State's obligations to upgrade the State and regional road network and provide school services to the new release area.

The Planning Agreement contains a schedule (being Schedule 4) which sets out the timing for payment of the Developer's contributions.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's Contributions.

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 purposes:

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

It is considered that the Planning Agreement provides a reasonable means of achieving the public purposes set out above. This is because it will ensure that the development makes an appropriate contribution towards the provision of required State public infrastructure.

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 State public infrastructure to satisfy needs that arise from development of the West Dapto new release area generally and specifically from the Proposed Development.

How the Planning Agreement Promotes the Objects of the Act

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

- the provision and co-ordination of community services and facilities;
- 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 financial contribution towards the provision of required State infrastructure.

The Developer's offer to contribute towards the provision of State infrastructure to support development will have a positive public impact as funds from the developer will be available towards the provision of the State public infrastructure as it is required.

Interpretation of Planning Agreement

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