

EXPLANATORY NOTE

1. INTRODUCTION

Clause 25E of the *Environmental Planning and Assessment Regulation 2000* (**the Regulation**) requires a planning authority proposing to enter into a voluntary planning agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**the Act**) to prepare an explanatory note about the planning agreement.

This explanatory note relates to the Planning Agreement proposed to be entered into by the Parties described below in respect of a public road intersection known as Benson Avenue and Lamerton Crescent, Shellharbour City Centre.

This explanatory note has been prepared jointly by the Parties as required by Clause 25E of the Regulation.

2. PARTIES

The parties to the planning Agreement are:

- a. Shellharbour City Council (Council)
- b. NPA Developments Pty Ltd (Developer)

3. DESCRIPTION OF SUBJECT LAND

NPA Developments is proposing a development on:

Lot 1 & 2 DP 1231355, 6 Benson Avenue, Shellharbour City Centre NSW 2529 (Lot 4212 DP 809265)

4. DESCRIPTION OF PROPOSED CHANGE TO ENVIRONMENTAL PLANNING INSTRUMENT/DEVELOPMENT APPLICATION

Development Consent DA0029/2016 was issued on 23 November 2016 and subsequently modified on 2 March 2018 (Modification No DAM0041/2017). This granted consent to the following development:

Shop Top Housing Development (Five Storeys high) – 162 Residential Apartments, Four Commercial Tenancies and Two Lot Subdivision (Staged Development).

Stage 1 - 69 Apartments, Two Commercial Tenancies, Basement Carpark, Private Access Road and Two Lot Subdivision

Stage 2 – 93 Apartments, Two Commercial Tenancy and Basement Carpark

5. SUMMARY OF OBJECTIVES, NATURE AND EFFECT OF THE DRAFT PLANNING AGREEMENT

In accordance with the planning agreement the Developer is to undertake the design and construction of traffic lights at the intersection of Benson Ave and Lamerton Crescent (road works) in conjunction with construction of the Development and complete the works prior to the issue of any occupation certificate for the Development.

Council will provide the allocated funding of \$308,621 to the Developer via reimbursement upon completion.

The Planning Agreement sets out the delivery responsibilities for the proposed works and the funding agreement between Council and the Applicant in respect of the proposed road works.

6. ASSESSMENT OF THE MERITS OF THE DRAFT PLANNING AGREEMENT

The Planning Purposes Served by the Draft Planning Agreement

In accordance with Section 7.4(2) of the Act, the VPA facilitates the following public purposes:-

- c. the provision of transport or other infrastructure relating to land.

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979

The provision of the Road Works pursuant to the Planning Agreement will promote the objects of the Act by delivering a community asset ahead of planned delivery at a fixed cost. The proposal is consistent with objects 1.3(c) to promote the orderly and economic use and development of land.

How the Draft Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by the delivery of planned road works ahead of schedule with costs of construction funded by the Developer at the fixed cost estimated in the Council's relevant contributions plan.

How the Draft Planning Agreement Promotes the Elements of Council's Charter (now guiding principles)

The VPA promotes elements of the guiding principles by:-

- (b) carrying out functions in a way that provides the best possible value for residents and ratepayers.

- (c) planning strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (f) managing land and other assets so that current and future local community needs can be met in an affordable way.
- (g) working with others to secure appropriate services for local community needs.
- (h) acting fairly, ethically and without bias in the interests of the local community.

The planning agreement is consistent with the objective of: "Infrastructure is planned and managed in a way that meets the community's needs" indicated in the Shellharbour City Community Strategic Plan

Whether the Draft Planning Agreement Conforms with Council's Capital Works Program

The proposal is consistent with Council's Long Term Capital Works Program as provided for within the Section 94 Contributions Plan 2016.

Whether the agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?

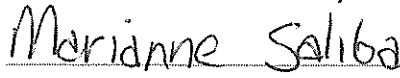
Yes, the works must be completed prior to the issue of any occupation certificate for the Development.

Signed and Dated by All Parties

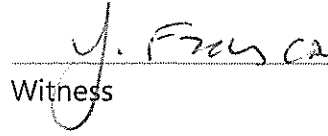
Shellharbour City Council



Mayor



Name (please print)



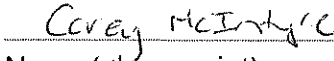
Witness



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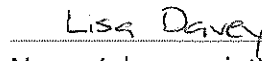
General Manager



Name (please print)



Witness

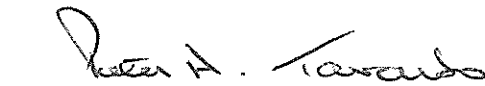


Name (please print)



Dated

NPA Developments Pty Ltd



Secretary/Director



Name



Witness



Name (please print)



Director



Name



Witness



Name (please print)