

Explanatory Note – Planning Agreement

Environmental Planning and Assessment Regulation 2000 (Clause 25E), Planning Agreement under section 7.4 of the Environmental Planning and Assessment Act, 1979

Parties

Central Coast Council (ABN 73 149 644 003) of Council Chambers, Hely Street, Wyong in the State of New South Wales (Council)

and

LGJJ Developments Pty Limited (ABN 78 637 628 525) of PO Box 3717, Tuggerah in the State of New South Wales (Proponent)

Description of the Land to which the Planning Agreement Applies

Lot 27 DP 663236 also known as 137 Johns Road, Wadalba

Description of Proposed Development

Development means the subdivision of land to create a wildlife corridor, road and land for residential housing

Summary of Objectives, Nature and Effect of the Planning Agreement

Objectives of the Agreement

The objective of the Agreement is to promote the orderly and economic use and development of the land and to protect the environment.

The Agreement specifies the funding arrangements and land transfers requirements for land to be transferred into Council ownership for embellishment of the Wadalba Wildlife Corridor, future upgrade and dedication of Johns Road, Wadalba, construction of shared pathway and stormwater infrastructure and the operation, maintenance and decommissioning of temporary sewer pump station to service the development.

Nature of the Planning Agreement

The Agreement is a planning agreement under section 7.4 of the Environmental Planning and Assessment Act 1979 (Act). It is an agreement between the Council and the Proponent. The Agreement is a voluntary agreement under which provisions are made by the Proponent for the conservation or enhancement of the natural environment section 7.4(2)(f).

Effect of the Agreement

The Agreement:

- relates to the Instrument Change (Planning Proposal),
- relates to the carrying out by the Proponent of the Development on the Land,
- Excludes the application of section 7.11, section 7.12 or section 7.24 to the Development,
- Requires the Proponent to pay monetary contributions to Council for the operation, maintenance and decommissioning of a temporary sewer pumping station to service the future development in addition to funding the rehabilitation and ongoing maintenance of land adjoining the Wadalba Wildlife Corridor. The agreement requires the transfer of land into Council ownership for conservation and road widening and infrastructure purposes and the construction of community infrastructure.
- is to be registered on the title to the Land,
- provides dispute resolution methods for a dispute under the Agreement, being mediation and expert determination, and
- provides that the Agreement is governed by the law of New South Wales.

Assessment of the Merits of the Agreement

Planning Purposes Served by the Agreement

The Agreement provides for the provision of infrastructure to meet the demands generated by future residents (road upgrades, shared pathways and stormwater infrastructure) and provides environmental conservation outcomes to the broader region through contribution of land to the Wadalba Wildlife Corridor.

How the Agreement Promotes the Public Interest

The Agreement promotes the public interest and objects of the Act including:

- The promotion and coordination of the orderly and economic use and development of the land
- The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.

Councils – How the Agreement Promotes the Council’s Charter

The Planning Agreement promotes the Council's charter under section 8A of the Local Government Act 1993 by working with others to secure appropriate services for the local community.

Whether the Agreement Conforms with Council’s Capital Works Program

The draft Planning Agreement is consistent with Council’s Capital Works Program and the Warnervale District Contribution Plan 2021.

Whether the Agreement specifies that certain requirements be complied with before issuing a Construction Certificate, Subdivision Certificate or Occupation Certificate

Yes.

The Agreement specifies that the following is required:

- (a) Undertake specified land management actions prior to the transfer of the Corridor Land and Road Land to Council.
- (b) Payment of any contributions for the restoration and maintenance of the Transfer Land Corridor prior to the transfer of the Corridor Land to Council or a Subdivision Certificate for the residential subdivision.
- (c) Proponent must submit draft Pump Station Works Drawings, along with necessary studies and reports, to Council as part of a future development application for the subdivision of land.
- (d) Proponent must submit to Council tender costs and plans for works in Schedule 4 for approval prior to the payment of development contributions, if the cost of infrastructure is to be deducted from the development contributions payable.
- (e) Payment of the pump station contribution prior to a subdivision certificate for the residential subdivision
- (f) Construct the pump station within 24 months of the development consent for the residential subdivision
- (g) Transfer title for the Corridor Land and Road Land prior to a subdivision certificate for the residential subdivision