



## **Schedule 5: Developer Works Provisions**

This Schedule is N/A

Draft



## Execution

### Executed as a Deed

**Dated:**

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### Executed by the Council:

\_\_\_\_\_  
Director – City Futures (as the duly  
authorised delegate of the Council)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

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### Executed by the Developer in accordance with s127(1) of the Corporations Act (Cth) 2001

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director / Secretary

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name



## Appendix: Explanatory Note

(Clause 45)

*Environmental Planning and Assessment Regulation 2021*

(Section 205)

### Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

#### Parties

##### Council

**Shoalhaven City Council** ABN 59 855 182 344 of 36  
Bridge Road, Nowra NSW 2541

##### Developer

**AMAL Trustees Pty Ltd ATF Sussex Inlet  
Property Trust** ACN 609 737 064 of Level 13, 20 Bond St  
Sydney, NSW 2000

### Description of the Land to which the Draft Planning Agreement Applies

Lot 22 DP 1270620

### Description of Proposed Development/Instrument Change

The Development, as described in the Applicable Development Consent, involves 'Torrens Title Subdivision (45 lots), Construction of Roads, Civil Works, Vegetation Clearing, and Associated Site Works.'

### Description of Development Contributions

The dedication to the Council free of cost to the Council of land for the purpose of a drainage reserve.

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

#### Objectives of Draft Planning Agreement



To ensure that land is dedicated to the Council to manage stormwater and maintain water quality from the proposed residential subdivision in perpetuity.

### **Nature of Draft Planning Agreement**

The Planning Agreement is an agreement between the Council and the Developer under section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) that is entered into in connection with the carrying out of the Development.

### **Effect of the Draft Planning Agreement**

The Planning Agreement requires the Developer to dedicate to the Council free of cost to the Council land for the purpose of drainage reserve.

The Planning Agreement contains an agreement by the Developer enabling the Council to compulsorily acquire the Dedication Land for nominal consideration in the event that the Developer does not comply with its obligation to dedicate the Dedication Land to the Council.

The Planning Agreement is required to be registered on the title to the Land.

The Planning Agreement imposes restrictions on the Developer's ability to assign its rights or obligations under the agreement or to novate the agreement or to sell the Land unless and until it has performed its obligations under the agreement.

### **Assessment of the Merits of the Draft Planning Agreement**

#### **The Planning Purposes Served by the Draft Planning Agreement**

The Planning purposes served by the Planning Agreement are to ensure that public infrastructure to address the likely impacts of the Development is provided in connection with the Development.

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

The Planning Agreement promotes the public interest by securing the provision of public infrastructure to address the likely impacts of the Development, and securing public benefits in connection with the Development.

#### **Assessment of the positive or negative impact of the Draft Planning Agreement on the public or relevant section of the public**

The Planning Agreement has no negative impact on the public or any section of the public as far as the Council is aware.

#### **Whether the Draft Planning Agreement Conforms with the Planning Authority's Capital Works Program**

The Planning Agreement is not inconsistent with the Council's Capital Works Program.



**Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.**

Yes. The Planning Agreement requires the Developer to dedicate the Dedication Land to the Council within 7 days of the issuing of a Subdivision Certificate in respect of the Land that authorises the creation of the Dedication Land as a separate Torrens title lot and prior to issuing an Occupation Certificate for any part of the Development.

