



## **Appendix**

(Clause 33)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

## **Explanatory Note**

### **Draft Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act 1979*

### **Parties**

**Port Stephens Council** ABN 16 744 377 876 of 116 Adelaide Street, Raymond Terrace, NSW, 2324 (Council)

**Robert Edwin Blackie and Barbara Blackie** of 103A Richardson Road, Raymond Terrace, NSW, 2324 (Developer)

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

The land comprised in Lot 1 DP 735177 otherwise known as 103A Richardson Road, Raymond Terrace NSW 2324 and any part of that land comprised in a lot created by Subdivision of that land.

### **Description of Proposed Development**

The subdivision of Lot 1 DP 735177 into two Final Lots.



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

### **Objectives of Draft Planning Agreement**

The objective of the Draft Planning Agreement is to provide for the payment of monetary contributions for the purposes of roadworks.

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

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979 (Act)*. It is a voluntary agreement, under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 93F(3) of the Act).

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

The Draft Planning Agreement:

- relates to the carrying out by the Developer of the Development,
- does not exclude the application of s94, s94A or s94EF of the Act to the Development,
- requires the payment of monetary Development Contributions,
- provides a dispute resolution method for a dispute under the Agreement being mediation and expert determination,
- provides that the Agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* applies to the Agreement.

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

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

The Draft Planning Agreement:

- Promotes and co-ordinates the orderly and economic use and development of the land to which the Deed applies,
- Provides funding for road facilities in the Council's area.

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

The Draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s5(a)(ii), (iv), (v) and s5(c) of the Act.



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**For Planning Authorities:**

***Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities***

N/A

***Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted***

N/A

***Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter***

The Draft Planning Agreement promotes the elements of the Council's charter by:

- enabling road facilities to be provided directly for the community,
- through public notification, keeping the local community and the State government (and through it, the wider community) informed about its activities.

***All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program***

This Draft Planning Agreement is not consistent with the Strategic Asset management Plan which forms part of the adopted Integrated Planning Framework.

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

The Draft Planning Agreement requires monetary Development Contributions to be provided before a subdivision certificate is issued.

