

Explanatory Note – Planning Agreement: South Kiama Urban Release Area

Introduction

The purpose of this explanatory note is to provide a plain English summary that helps the community understand how the proposed planning agreement (the **Planning Agreement**) will be of public benefit, and why it is acceptable and in the planning interest. The explanatory note is made available as part of the public exhibition, where the public can read the Planning Agreement and make comments on it. It is not a plain English version of the Planning Agreement.

Clause 205 of the Environmental Planning and Assessment Regulation 2021 (the **Regulation**) is a guideline for how explanatory notes must be written. It requires all those wanting to enter into the planning agreement to prepare the explanatory note together. Council and the Developer prepared this explanatory note together.

The Environmental Planning and Assessment Act 1979 (the **Act**) is the NSW law that must be followed when preparing a Planning Agreement. The section of the Act that relates to planning agreements is Part 7 > Division 7.1 > Subdivision 2 > Sections 7.4 to 7.10. This Planning Agreement was prepared in line with the Act and the Regulation.

Parties to the Planning Agreement

The parties (people and organisations) to this Planning Agreement are:

1. Kiama Municipal Council ABN 22 379 679 108 (the **Council**); and
2. White Constructions and Developments Pty Ltd ABN 80 645 738 254 (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to this land:

- South Kiama Urban Release Area, being Lot 1 DP707300, Lot 5 DP740252, Lot 3 DP258605, Part of Lot 101 DP1077617, Part of Lot 102 DP1077617, and Lot 8 DP258605 (**Subject Land**).

Description of Proposed Development

The Planning Agreement applies to the whole of the South Kiama Urban Release Area development, being the residential subdivision of approximately 380 lots and associated infrastructure including roads, riparian corridors, parks and stormwater infrastructure, to be developed over four stages (**Proposed Development**).

The Planning Agreement is associated with the Stage 1 Development Application 10.2025.68.1.

Summary of objectives, nature and effect of the proposed Planning Agreement

The objective of the Planning Agreement is to ensure that the infrastructure required to facilitate the development will be delivered in a timely manner, and financial impact to council minimised.

Through the Planning Agreement, the developer will provide development contributions in the form of land dedication, completion of works and the payment of monetary contributions including:

- Three local parks (land dedication, embellishment, 2 years maintenance)
- Riparian Corridors (land dedication, revegetation works, 5 year maintenance period, monetary contribution for ongoing maintenance).

- Stormwater infrastructure (dedication of land, construction of four bioretention basins, 2 year maintenance period).
- Upgrade of Saddleback Mountain Road, Weir Street and pedestrian link from the Underpass to South Kiama Drive.
- Monetary contribution toward the historic cemetery.
- Monetary contribution toward maintenance of retaining walls.
- Monetary contribution toward administration (ie staff costs).

Development contributions for the initial subdivision development will be provided through the Planning Agreement. Future development on the site (including house construction) will be levied under the Council's Section 7.12 Contributions Plan.

Assessment of the Merits of the Planning Agreement

Overall, the notional value of the Planning Agreement has been costed by the developer at over \$30 million, which equates to over \$80k per lot. The Planning Agreement provides a legal mechanism to ensure that the required infrastructure is delivered with the development, and that a contribution toward the long term maintenance of the riparian corridors is provided to Council.

The Planning Agreement will provide a positive benefit to Council, the community and the broader public.

The Planning Purpose of the Planning Agreement

The Planning Agreement has the following public purpose:

- the provision of public amenities or public services,
- the provision of transport or other infrastructure relating to land,
- the funding of recurrent expenditure relating to the provision of other infrastructure,
- the conservation or enhancement of the natural environment.

These refer to section 7.4(2) of the Act.

How the Planning Agreement promotes the public interest and objects of the Act

The Planning Agreement promotes the objects (aims) of the Act by:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- to promote the orderly and economic use and development of land,
- to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- to promote good design and amenity of the built environment,
- to provide increased opportunity for community participation in environmental planning and assessment.

These refer to section 1.3 of the Act.