

# Statement of Intent: Our shared commitment

2 November 2021

## Our Commitment

This statement of intent (**Statement**) is a commitment between the Minister for Planning and Public Spaces representing Landcom and MidCoast Council. We commit to identifying and taking concrete actions that will address our shared beliefs, mitigating the risks associated with the development of the North Tuncurry Urban Release Area for both parties to achieve short- and long-term positive outcomes.

The purpose of this Statement is to provide a summary of the intention to enter into a future Planning Agreement (**Planning Agreement**) that is proposed under Part 7 Division 7.1 Subdivision 2 of the Environmental Planning and Assessment Act 1979 (the Act).

## Parties to the Planning Agreement

The parties to the Planning Agreement are proposed to be:

- The Minister for Planning and Public Spaces (**the Minister**) ABN 38 755 709 681 representing Landcom (**the Applicant**), and
- MidCoast Council (**the Council**)

## Description of the Subject Land and the Proposed Development

The planning Agreement is proposed to apply to Lots 294 and 295 of Deposited Plan 43110 and Lot 331 of Deposited Plan 1104340 (the Subject Land).

The Subject Land is located at The Lakes Way, North Tuncurry 2428.

The Applicant intends to carry out development of the Subject Land generally in accordance with the Master Plan (**the Proposed Development**) as shown in Attachment 1.

- A low-medium density coastal community with approximately 2,123 dwellings centered around a new village centre, reconfigured golf course and open space areas.
- Proposed rezoning of the Subject Land will include employment generating land uses and significant open space, including a foreshore reserve and environmental conservation lands.
- Study requirements for the Proposed Development were issued for the Subject Site in 2011 and cover a wide range of matters to be addressed, including;
  - Identification of local infrastructure upgrades required to support the Proposed Development, their estimated cost and the proposed timing of these works.
  - The proposed ownership and management arrangements for land proposed to be open space, drainage and nature reserves are also yet to be detailed.

## Our shared beliefs

Our response to this commitment is informed by the following shared beliefs:

- The Applicant and Council share the same values in regard to providing great places to live for residents (as articulated in LSPS and Landcom Charter references and extracts) and creating/providing for sustainable communities.
- The Applicant intends to meet its obligations with respect to local development contributions via a combination of monetary contributions and the carry out of works in kind, dedication of land free of cost, and provision of material public benefits.
- As a result, both Council and the Applicant want to recognise the risks associated with undertaking development and establishing and maintaining community assets.
- The process to agree to this statement of intent identifies these key elements for Council and Landcom:
  1. **Drainage infrastructure – long term coordination and provision**
  2. **Drainage system maintenance (rates & IPART)**
  3. **Short term and long-term location of the community centre (principles)**
  4. **The Beach Street extension (need and evidence base)**

## What We Will Do Next

### 1. Drainage infrastructure – long term coordination and provision

Landcom will develop North Tuncurry in an orderly fashion in accordance with the staging plan provided within the Rezoning Study.

Drainage infrastructure will be constructed at Landcom's expense incrementally as the rollout of stages progresses.

The southern water management basin and gravity drain will be constructed in its entirety as part of the relevant critical stage within the first 5 stages, to mitigate flood impacts and achieve planned stormwater outcomes as identified in the Integrated Water Cycle Management Strategy.

Should the Applicant seek to develop stages out of sequence they will construct any necessary drainage infrastructure to link to the southern basin at their own costs and must demonstrate a cost offset to council and agency costs.

It is noted that Council is most likely to be the consent authority for all development applications (on the basis that the type and staging of future developments is unlikely to trigger regionally significant development provisions within the *State Environmental Planning Policy – State and Regional Development (2011)*) associated with the project and will therefore be able to assess, determine and control the establishment of drainage infrastructure.

### 2. Drainage system maintenance (rates & IPART)

It is agreed by Landcom and Council that contributions are required to cover the maintenance/life cycle costs of drainage and water quality infrastructure.

The Applicant agrees to jointly pursue, with Council, the establishment of a permanent special rate variation (to general income) for the purposes of introducing a special rate to cover the maintenance/life cycle costs of drainage and water quality infrastructure over the entire development site. Noting that this special rate will only apply to future landowners within the North Tuncurry URA.

In addition, the Applicant agrees to make one off per lot contributions towards these maintenance/life cycle in perpetuity costs.

The basis for calculation of the contributions is to be included in the future Planning Agreement.

### **3. Short term and long-term location of the community centre (principles)**

A short-term temporary community facility will be provided by Landcom in accordance with the Social Planning Report (Elton, 2021).

The Social Planning Report (Elton, 2021) prepared for the Rezoning Study identified that the project would generate demand for a permanent community centre of 360m<sup>2</sup> to service the expected population. The masterplan has identified the most suitable location for future residents of North Tuncurry, to be in or adjacent to the local centre. This location is central to the development and affords the opportunity to collocate surf lifesaving facilities and potentially other public facilities.

Council has expressed a preference to locate the permanent community centre in the southern end of the North Tuncurry masterplan site, so that it may better service the future Tuncurry population as a whole and be provided at an earlier stage of development.

The Applicant agrees to work with Council to determine the most suitable timing and location and contribution for the permanent community facilities having regard to the needs of the North Tuncurry residents, the needs of the existing Tuncurry residents, traffic impacts, co-location options and site availability.

### **4. The Beach Street extension (need and evidence base)**

The TMAP prepared for the rezoning proposal has considered the impacts of the proposal on Beach Street and intersections with the Lakes Way to the south of the proposal. The TMAP concluded that no upgrades to these intersections are required.

The Applicant agrees to assess traffic impacts during future development application for each stage of the project's rollout.

It is noted that Council is most likely to be the consent authority for future development applications (on the basis that the type and staging of future developments is unlikely to trigger regionally significant development provisions within the *State Environmental Planning Policy – State and Regional Development (2011)*) associated with the project and will therefore be able to assess, determine and control the establishment of road infrastructure.