

Explanatory Note

Draft Planning Agreement

Minister for Planning

and

Dart West Developments Pty Ltd

Introduction

The purpose of this explanatory note is to provide a plain English summary of the proposed planning agreement (the "**Planning Agreement**") prepared under section 93F of the *Environmental Planning and Assessment Act 1979* (the "**Act**").

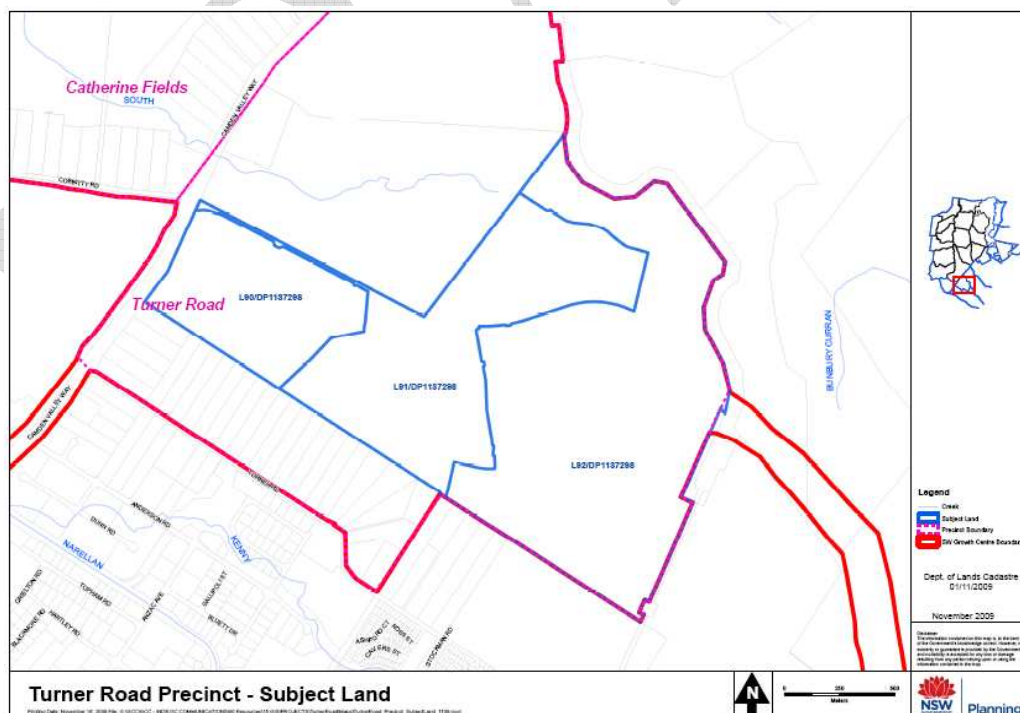
The Planning Agreement provides for arrangements which would allow the Developer to provide regional infrastructure in lieu of paying a Special Infrastructure Contribution ("SIC").

A SIC is a levy collected by the NSW Government which contributes to part of the cost of providing regional infrastructure required to meet the demands of development in the new growth areas of Sydney.

Parties to the Planning Agreement

The parties to the Planning Agreement are Dart West Developments Pty Ltd (the "**Developer**") and the Minister for Planning (the "**Minister**"). This explanatory note has been prepared jointly by the two parties.

Description of the Subject Land and the Development



The Planning Agreement applies to land within the Turner Road Precinct, shown edged in dark blue ink on the plan entitled "Turner Road Precinct – Subject Land," shown above.

The Developer proposes to develop land within the Growth Centres for urban purposes in accordance with the Indicative Layout Plan shown in the *Turner Road Precinct Development Control Plan 2007*.

However the arrangements documented in the Planning Agreement, namely, the Developer's entitlement to a SIC Offset Amount as detailed below may be applied to any land within the North West Growth Centre and the South West Growth Centre ("**the Growth Centres**").

Summary of Objectives, Nature and Effect of the Planning Agreement

The Minister has determined that a SIC is payable in respect of land within the Growth Centres. The Developer is obliged to pay a Special Infrastructure Contribution ("**SIC**").

The Planning Agreement outlines the process by which the Developer can provide certain regional infrastructure and may, in return be entitled to a "SIC Offset Amount" which it can apply towards the partial or full satisfaction of the Developer's obligations to make a SIC in relation to land within the Growth Centres.

The Planning Agreement therefore:

- specifies the regional infrastructure to be provided, being the upgrade to four lanes of a 0.5 km section (approximately) of the Camden Valley Way between Turner Road and Cobbitty Road ("**the Road Works**"); and
- provides for the Developer to receive SIC Offset credits in five instalments, known as "**Milestones**". If the Developer achieves a Milestone to the satisfaction of the Minister, the Developer will be entitled to a SIC Offset Amount for a value attributable to that Milestone.

Plans showing the Roadworks may be found in Schedule 4 to the Planning Agreement.

Assessment of Merits of Planning Agreement

How the Planning Agreements Promote the Public Interest and the Objects of the Act

The Planning Agreements promotes the public interest and the following objects of the Act as contained in section 5 of the Act:

- Section 5(a) (i) "*the proper management, development and conservation of natural and artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment*" by coordinating the delivery of regional road infrastructure to meet the demands of development within the Growth Centres;
- Section 5(a)(ii) "*the promotion and co-ordination of the orderly and economic use and development of the land*" by allowing private funding of key regional road infrastructure to meet the demands of development within the Growth Centres Section 5(a)(iii) "*the protection, provision and co-ordination of communication and utility services*" by coordinating the provision of essential services with the provision of regional road infrastructure;
- Section 5(a)(iv) "*the provision of land for public purposes*" by ensuring that sufficient land is allocated and dedicated for essential services and regional road infrastructure to meet the demands of development within the Growth Centres;
- Section 5(b) "*to promote the sharing of the responsibility for environmental planning between the different levels of Government in the State*" by creating a transparent and permanent means of obligating the Developer to contribute to regional road infrastructure in the same way Council Section 94 plans creates obligations in relation to local transport and drainage infrastructure; and

- Section 5(c) “to provide increased opportunity for public involvement and participation in environmental planning and assessment” by making drafts of the proposed Planning Agreements publicly available for inspection.

The Planning Agreements promote public benefit and the objects of the Act set out above by requiring the Developer to provide the contributions set out in this explanatory note under the heading “*Summary of Objectives, Nature and Effect of the Planning Agreements*” for the following purpose:

- The provision of key regional road infrastructure (the Road Works).

This purpose represents an important public benefit, and the Developer's offer to contribute towards these purposes will provide an important positive impact on the public who use the infrastructure and services to which these purposes relate.

Notes

It is noted that Section 93F(9) of the Act states that:

A Planning Agreement cannot impose an obligation on a planning authority:

(a) to grant development consent, or

(b) to exercise any function under this Act in relation to a change to an environmental planning instrument.