

Proposed Planning Agreement

Minister for Planning and Infrastructure and SH Camden Lakeside Pty Limited

Explanatory note

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed planning agreement (the “**Planning Agreement**”) prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (“**the Act**”).

This explanatory note has been prepared jointly by the parties as required by clause 25E of the Environmental Planning and Assessment Regulation 2000.

Parties to the Planning Agreement

The parties to the Planning Agreement are SH Camden Lakeside Pty Ltd (the “**Developer**”) and the Minister for Planning and Infrastructure (“**Minister**”).

The Developer has made an offer to enter into a Voluntary Planning Agreement (VPA) in connection with development applications for subdivision within the Camden Lakeside Urban Release Area. The Camden Lakeside Urban Release Area is the area of land shaded in blue and shown as “Lakeside” on the Camden Local Environmental Plan 2010 – Urban Release Area map (Sheet URA_016) (copy attached) and is located in the Camden Local Government Area, bounded by Raby Road and Camden Valley Way.

Description of the subject land

The Planning Agreement applies to Lot 2 DP 1142394.

Description of the Proposed Development and the Proposed Camden Lakeside Urban Release Area

The Developer has lodged two development applications, being DA 1204/2010 and DA 1206/2010, with Camden Council. DA 1204/10 seeks approval for the creation of two super lots on the site, one of which is proposed to facilitate a community scheme subdivision comprising 72 residential lots (the “**community lot**”). DA 1206/2010 seeks approval for the first stage of the subdivision of the community lot to facilitate an 18 lot subdivision, with 15 of the 18 lots to be used for residential purposes.

The Proposed Development is the first stage of development which the Developer intends to undertake within the Camden Lakeside Urban Release Area, and it is expected that a total of 380 to 440 dwellings and related community facilities will be developed.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make monetary contributions of \$213,989 per hectare of Net Developable Area, for the purposes of designated State public infrastructure within the meaning of the Camden Local Environmental Plan 2010 which serves the south west region of Sydney.

The Planning Agreement also provides the Developer with the option to request the approval of the Director-General of the Department of Planning and Infrastructure (on behalf of the Minister), to enter into a Works Agreement to obtain a Contribution Credit by the carrying out of Contribution Works (as defined in the Planning Agreement).

The Planning Agreement contains provisions which set out the timing for the provision of the Developer's contributions (see Schedule 4 of the Planning Agreement). In this regard, the Planning Agreement provides that monetary contributions must be made prior to the issue of a Subdivision Certificate that authorises the creation of a Residential Lot.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions to meet the demand, or part of the demand, for State infrastructure created by development in the Camden Lakeside Urban Release Area.

Security is to be provided by the Developer in the form of bank guarantees as provided in Schedule 5 of the Planning Agreement.

No relevant capital works program by the Minister is associated with this agreement.

Assessment of the merits of the Planning Agreement

The Planning Purpose of the Planning Agreement

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes appropriate contributions towards the provision of required State public infrastructure.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of State infrastructure to satisfy needs that arise from development of the Camden Lakeside Urban Release Area.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion and coordination of the orderly and economic use and development of land.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of required State infrastructure. The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as funds contributed by the Developer will be available towards the provision of State public infrastructure, the need for which is generated by the development of the Camden Lakeside Urban Release Area.

Requirements relating to Construction, Occupation and Subdivision Certificates

The following requirements are required to be complied with under the Planning Agreement:

- The relevant development contribution must be paid prior to the issue of a subdivision certificate that authorises the creation of a Residential Lot.

(See clause 2 of Schedule 4 to the Planning Agreement)

There are no provisions of the Planning Agreement that require complying with prior to the issue of a construction certificate or an occupation certificate.

Interpretation of Planning Agreement

This Explanatory Note is not to be used to assist in construing the Planning Agreement.