

Environmental Planning and Assessment Regulation 2000 (Clause 25E)

Explanatory Note

Introduction

Clause 25E of the *Environmental Planning and Assessment Regulation 2000* requires a planning authority (The Minister for Planning) proposing to enter into a voluntary planning agreement under Section 93F of the *Environmental Planning and Assessment Act 1979* to prepare an explanatory note about the planning agreement.

This explanatory note relates to the planning agreement proposed to be entered into by the parties described below in respect of land at North Cooranbong.

The draft planning agreement was previously exhibited from 12 November 2008 to 12 December 2008. However, as a result of reforms to State infrastructure levies subsequently announced by the NSW Government, changes to the draft planning agreement were required. The amended draft voluntary planning agreement and changes are summarised below.

Parties

The Minister for Planning ABN 38 755 709 681 of Level 34 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 (**Minister**)

Johnson Property Group Pty Limited ABN 58 102 465 814 of Level 3, 338 Kent Street Sydney NSW 2000 (**Developer**), Australasian Conference Association Ltd ACN 000 003 930 of 148 Fox Valley Road Wahroonga NSW 2076, Avondale Greens Pty Ltd ABN 33 099 742 542 and Avondale Greens Developments Pty Ltd ABN 27 106 910 598 both of Level 3, 338 Kent Street Sydney NSW 2000 (collectively, the **Land Owners**)

Description of the land to which the amended draft planning agreement applies

The land to which the amended draft planning agreement applies is located at North Cooranbong and is as described in Part A of Schedule 2 to the amended draft planning agreement (the **Land**).

Description of concept plan approval

The approved concept plan provides for residential development on the Land, for up to 2,500 low and medium density lots, as described in the Environmental Assessment Report documentation that was publicly exhibited from 25 June 2008 to 28 July 2008.

Summary of objectives, nature and effect of the amended draft planning agreement

The amended draft planning agreement provides for payment of monetary contributions towards the cost of public facilities, conservation and vegetation offsets, the dedication of land for public facilities and the carrying out and handing over of works for the purpose of public facilities, as described in Schedule 3 of the amended draft planning agreement.

Specifically the amended draft planning agreement provides for the following:

- **Environmental offset** - either monetary contribution of \$2,640,000 or acquisition of environmental offset land acceptable to the Minister.
- **Regional road works** - improvement works to Dora Creek Road and Morisset Road.
- **Public school land** - dedication and servicing of 3 ha of land.

Assessment of the merits of the amended draft planning agreement

This explanatory note sets out the following:

- The planning purposes served by the amended draft planning agreement.
- How the amended draft planning agreement promotes the public interest and one or more objects of the *Environmental Planning and Assessment Act 1979*.

The planning purposes served by the amended draft planning agreement

The amended draft planning agreement provides for the provision of infrastructure:

- to meet the demands generated by the development for new public infrastructure, and
- to mitigate the potential impacts of the development.

The amended draft planning agreement will:

- provide for appropriate management of potential environmental impacts arising from the development,
- enable the Land to be developed in a timely and efficient manner to promote economic development, and
- enable the provision of:
 - public road improvements
 - land for a school
 - conservation and vegetation offsets

How the amended draft planning agreement promotes the public interest and one or more objects of the *Environmental Planning and Assessment Act 1979*

The amended draft planning agreement promotes the following objects of the *Environmental Planning and Assessment Act 1979* as contained in section 5 of the Act:

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- the promotion and co-ordination of the orderly and economic use and development of land,
- the provision of land for public purposes,
- the provision and co-ordination of community services and facilities, and
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

Changes to the previously exhibited draft planning agreement

The amended draft planning agreement currently being exhibited is the same as the draft agreement previously exhibited, with the following changes:

- The bus services levy of \$2,031.25 per lot (as increased in accordance with movements in CPI) has been removed.
- The timing for the payment of cash levies, provision of infrastructure or land has been changed to the time of the issue of the subdivision certificate for the relevant residential lot that triggers the required payment or provision of infrastructure or land. Previously, this timing was related to the issue of a development approval.