

Explanatory Note

Minister for Planning and Infrastructure and CSR Building Products Limited

Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft 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* (the **Regulation**).

Parties to the Planning Agreement

The parties to the Planning Agreement are CSR Building Products Limited (ACN 008 631 356) (the **Developer**) and the Minister for Planning and Infrastructure (the **Minister**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 3 DP 232574

Description of the Proposed Development

The Developer is seeking to fill the existing quarry on the subject land under Development Consent No. 04-2048 (**2005 Consent**). The 2005 Consent requires the Developer to undertake upgrades to the intersection of Richmond and Townson Roads (the **Road Works**). The NSW Government now does not require the Developer to undertake the Road Works. The Road Works will be undertaken by Roads and Maritime Services (**RMS**) as part of a general upgrade to Richmond Road which is being funded by Special Infrastructure Contributions. The Developer has agreed with the Minister to instead provide a monetary contribution in lieu of providing the Road Works.

The Developer has made an application to the Consent Authority under section 96(1A) of the Act to modify the 2005 Consent to reflect the changes to the Development Contribution to be provided by the Developer. That is, the change from carrying out Road Works to instead paying a monetary contribution to the Minister.

The Developer has offered to enter into this deed with the Minister to secure the Development Contribution for the provision of infrastructure for public purposes in connection with the Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution in the amount of \$2.1 million to the Minister for the purposes of providing infrastructure works at Townson and Richmond Roads, Schofields.

The amount of \$2.1 million was determined following a review by RMS and is inclusive of land acquisition costs adopting RMS land acquisition rates from similar valuations.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's monetary contribution towards the upgrade of Townson and Richmond Roads, Schofields.

Assessment of Merits of 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 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 infrastructure, facilities and services to satisfy needs that arise from development of the Land.

How the Planning Agreement Promotes the Objects of the Act

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

- the promotion and co-ordination of the orderly and economic use and development of land by requiring the Developer to make a contribution towards the provision of infrastructure.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as it will facilitate the delivery of that infrastructure, benefitting the general public.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of an occupation certificate or a subdivision certificate.

The Planning Agreement does specify requirements that must be complied with prior to the issue of a construction certificate (see clause 2 of Schedule 5 and Table 2 of Schedule 1 of the Planning Agreement).