

## Explanatory Note

### Minister for Planning and Infrastructure and Cornish Group Pty Ltd and Cornish Group Spring Farm Pty Ltd

### Draft 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 Cornish Group Pty Ltd (ACN 003 872 400) and Cornish Group Spring Farm Pty Ltd (ACN 120 837 381) (the **Developer**) and the Minister for Planning and Infrastructure (the **Minister**).

#### Description of the Subject Land

The Planning Agreement applies to:

- Lot 1701 DP 1167189
- Lot 1702 DP 1167189
- Lot 1703 DP 1167189
- Lot 1704 DP 1167189
- Lot 1705 DP 1167189
- Lot 1706 DP 1167189
- Lot 1707 DP 1167189
- Lot 1708 DP 1167189
- Lot 1709 DP 1167189
- Lot 1710 DP 1167189
- Lot 1711 DP 1167189
- Lot 1712 DP 1167189
- Lot 1713 DP 1167189
- Lot 1716 DP 1167189
- Lot 1718 DP 1167189

- Lot 1901 DP 1167189
- Lot 1616 DP 1142286
- Lot 1 DP 1132985
- Lot 2 DP 1132985

## **Description of the Proposed Development**

The Developer is seeking to develop the Land for residential purposes (**Proposed Development**) and has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

## **Summary of Objectives, Nature and Effect of the Planning Agreement**

The Planning Agreement provides that the Developer will dedicate the Contribution Land at no cost to the Minister for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of the Camden Local Environmental Plan 2010 (**LEP**).

The Contribution Land has a current market value of \$908,084.45. Prior to 2011 the Developer entered into the Five Existing Deeds with the Minister to make provision for the payment of the Land Release Contributions to the Minister in respect of Stages 1 to 5 of the Development and to enable the Director-General to certify that satisfactory arrangements were in place under clause 6.1 of the LEP. The Developer has not provided the Land Release Contributions in respect of Stages 1 to 5 of the Development under the Five Existing Deeds.

The amount of the Land Release Contribution has been calculated on the basis of an estimate of the net developable area comprised in the Proposed Development.

The parties agree that this deed will secure the Developer's obligation to provide the Land Release Contributions in respect of Stages 1 to 5 of the Development under the Five Existing Deeds. This deed will also allow the Developer to claim the SIC Discharge Amount (which is the difference between the Market Value of the Contribution Land and the Land Release Contributions in respect of Stages 1 to 5 of the Development under the Five Existing Deeds) from the Director-General to discharge the Developer's obligations to make Special Infrastructure Contributions for development within the WSGA Special Contributions Area.

This deed revokes the Five Existing Deeds with the Minister that pre-date this deed and that apply to the Land.

The Contribution Land must be dedicated to the Minister by the Developer on the execution of the Planning Agreement. The requirement for the timing of the dedication is set out in Schedule 4 to the Planning Agreement.

Prior to entry into this deed the Developer will provide the Minister with the certificate of title to the Contribution Land and a transfer signed by the Developer along with a bank cheque for the cost of registration of the Transfer and all associated registration expenses. The Developer will also irrevocably authorise the Minister to register the Transfer in accordance with the Planning Agreement prior to the Planning Agreement being executed.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

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

## **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, facilities and services referred to in clause 6.1 of the LEP.

### **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

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

### **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 a construction certificate, an occupation certificate or a subdivision certificate.