

Explanatory Note

Minister for Planning

and

Johnson Property Group Pty Limited (ACN 102 465 814)

and

Bona Vista Properties Pty Limited (ACN 095 392 126)

and

Fernadell Properties Pty Limited (ACN 111 748 951)

and

Vermont Quays Pty Ltd (ACN 098 340 884)

Draft Amendment Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft Planning Amendment and Release Agreement (the **Planning Amendment Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the **Act**). The Planning Amendment Agreement amends and releases the parties from the planning agreement entered into by the parties on 26th July 2006 (the **Original Agreement**).

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 Amendment Agreement

The parties to the Planning Amendment Agreement are Johnson Property Group Pty Limited (ACN 102 465 814), Bona Vista Properties Pty Limited (ACN 095 392 126), Fernadell Properties Pty Limited (ACN 111 748 951) and Vermont Quays Pty Limited (ACN 098 340 884) (collectively the **Developer**) and the Minister for Planning (the **Minister**).

Description of the Subject Land

The Planning Amendment Agreement applies to:

- Lot 5010 of DP 1208144 (the **Subject Land**).

The Subject Land is located at Pitt Town, Hawkesbury NSW.

Description of the Proposed Development

The Developer developed and proposes to develop part of the land to which the Original Agreement applied to for residential purposes as described in the Original Agreement (a copy of which is annexed at Schedule A to the Planning Amendment Agreement) including subdivision of the Subject Land generally in accordance with DA 0456 09 which was approved by Hawkesbury City Council (the **Development**) and has made an offer to the Minister to enter into the Planning Amendment Agreement in connection with the Development.

Summary of Objectives, Nature and Effect of the Planning Amendment Agreement

The Planning Amendment Agreement provides that the Developer will make the following monetary contributions in connection with the Development for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of Hawkesbury Local Environmental Plan 2012 (LEP):

- 1) \$5,806,500.00 on the execution of the Planning Amendment Agreement towards road works which is calculated on the basis of \$10,500.00 per residential lot and a yield of 553 such lots within the Bona Vista, Fernadell, and Cleary Precincts. This includes 546 lots released to date and an estimated 7 future lots from Cleary Stage 6b; and
- 2) \$92,923.73 on execution of the Planning Amendment Agreement as the final instalment of the DEC Contribution in accordance with clause 5.4 and Schedule 5 of the Original Agreement.

The Planning Amendment Agreement acknowledges the transfer of a school site by the Developer, and provides that upon payment of the contributions detailed above, the Developer will be released from all planning obligations arising from the Original Agreement.

The objective of the Planning Amendment Agreement is to facilitate the delivery of the Developer's contributions towards the designated State public infrastructure within the meaning of clause 6.8 of Hawkesbury LEP.

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

Assessment of Merits of Planning Amendment Agreement

The Planning Purpose of the Planning Amendment Agreement

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

- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Amendment Agreement and both hold the view that the provisions of the Planning Amendment 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 designated State public infrastructure within the meaning of clause 6.8 of Hawkesbury Local Environmental Plan 2012.

How the Planning Amendment Agreement Promotes the Public Interest

The Planning Amendment Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of designated State Infrastructure to satisfy needs that arise from development of the Subject Land.

How the Planning Amendment Agreement Promotes the Objects of the Act

The Planning Amendment 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 Amendment Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of designated State public infrastructure within the meaning of clause 6.8 of Hawkesbury Local Environmental Plan 2012.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of such infrastructure.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Amendment Agreement requires payment of the monetary contribution on execution of the Agreement. The Planning Amendment Agreement does not specify requirements that must be complied with prior to the issue of a construction, occupation or subdivision certificate.