

Explanatory Note

Minister for Planning

and

Celestino Developments SSP Pty Limited (ACN 607 351 842)

and

Sydney Science Park Pty Limited (ACN 608 971 697)

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 Celestino Developments SSP Pty Limited (ACN 607 351 842), Sydney Science Park Pty Limited (ACN 608 971 697) (the **Developer**) and the Minister for Planning (the **Minister**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 201 in Deposited Plan 1152191; and
- That part of Lot 202 in Deposited Plan 1152191

as described in Schedule 3 of the Planning Agreement (the **Subject Land**).

The Subject Land is located at 565-609 Luddenham Road, Luddenham NSW.

Description of the Proposed Change to Environmental Planning Instrument

The Developer is seeking an amendment of the Penrith Local Environmental Plan 2010 to rezone the Subject Land from zone RU2 Rural Landscape to zones B4 Mixed Use, B7 Business Park and RE1 Public Recreation and proposes to make future development applications to the consent authority to accommodate a specialised centre comprising research and development, employment, education, student accommodation, a town centre, retail and residential uses consistent with the proposed

rezoning of the land for B4 Mixed Use, B7 Business Park and RE1 Public Recreation uses, infrastructure such as roads, services and the like, and landscaped open space, sporting fields and parks (the **Proposed Development**).

In connection with the proposed amendment of the Penrith Local Environmental Plan 2010 and the Proposed Development, the Developer has made an offer to the Minister to enter into the Planning Agreement.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution based on the net developable area of the Subject Land (subject to indexation in accordance with the Planning Agreement) for the purposes of the provision of designated State infrastructure within the meaning of Clause 6.1 of the Penrith Local Environmental Plan 2010 at the following rates:

- \$182,898 per hectare zoned B7 Business Park; and
- \$160,791 per hectare zoned B4 Mixed Use.

The monetary contribution will be payable based on each 10 hectare Parcel of Development Land (as defined in the Planning Agreement) submitted in accordance with the timeframes set out in Schedule 4 to the Planning Agreement. The Planning Agreement provides that the Developer will not lodge a plan of subdivision or undertake development prior to submitting each Parcel of Development Land for the Minister's approval.

The Developer is required to provide an initial Bank Guarantee on execution of the Planning Agreement and also Bank Guarantees for each Parcel of Development Land and to register the Planning Agreement on the title to the Subject Land in accordance with section 93H of the Act.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State infrastructure within the meaning of Clause 6.1 of the Penrith Local Environmental Plan 2010.

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) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and 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 designated State 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 designated State infrastructure to satisfy needs that arise from development of the Subject 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 designated State infrastructure.

The Developer's offer to contribute towards the provision of designated State infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of State infrastructure within the meaning of Clause 6.1 of the Penrith Local Environmental Plan 2010.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement requires payment of the monetary contribution prior to the issue of the relevant subdivision certificate or construction certificate and therefore contains a restriction on the issue of a subdivision certificate or construction certificate within the meaning of section 109J(1)(c1) and 109F(1) of the Act and clause 146A of the Regulation.

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