

Explanatory Note

Minister for Planning

and

The Village Building Co. Limited (ACN 056 509 025) as trustee for Canberra Estates Consortium No 4 Pty Limited (ACN 097 260 930)

Draft Planning Agreement: South Tralee South Jerrabomberra URA

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**).

A reference in this explanatory note and the accompanying planning agreement to a provision of the Act that has been renumbered or repealed and re-enacted by the Environmental Planning and Assessment Amendment Act 2017 is taken to be a reference to the renumbered or repealed and re-enacted provision.

Parties to the Planning Agreement

The parties to the Planning Agreement are The Village Building Co. Limited (ACN 056 509 025) as trustee for Canberra Estates Consortium No 4 Pty Limited (ACN 097 260 930) (the **Developer**) and the Minister for Planning (the **Minister**).

Description of the Subject Land

The Planning Agreement applies to part of Lot 6 DP 719108 (defined in the Planning Agreement as the **Education Land**) and the following parcels of land:

1	1007339	1/1007339
2	1007339	2/1007339
3	1007339	3/1007339
4	1007339	4/1007339

5	1007339	5/1007339
6	1007339	6/1007339
4	130629	4/130629
5	130629	5/130629
6	130629	6/130629
181	754912	181/754192
1	1140653	1/1140653
1	1023430	1/1023430

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

The Subject Land and Education Land is located at South Tralee, Queanbeyan NSW.

Description of the Proposed Development

The Developer proposes future development comprising the proposed subdivision of the Subject Land resulting in approximately 750 residential dwellings in stages and generally in accordance with Stage 1 DA395-2017 which proposes residential subdivision of approximately 318 residential lots, 10 superlots and residue lots (the **Proposed Development**).

In connection with 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) A dedication of Education Land; and
- b) A monetary contribution of \$3,300 per urban lot created on the Subject Land (subject to indexation in accordance with the Planning Agreement) for the purposes of the provision of designated State public infrastructure within the meaning of Clause 6.1 of the Queanbeyan Local Environmental Plan (South Tralee) 2012 (**LEP**).

The Developer is required to provide an insurance bond to the value of \$1,750,000 on execution of the Planning Agreement and to register the Planning Agreement on the title to the Subject Land and the Education 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 public infrastructure within the meaning of 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) 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 designated State public 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 public 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 public infrastructure.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive public impact as funds and land from the Developer will be available to facilitate the provision of designated State public infrastructure within the meaning of 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 or an occupation certificate.

The Planning Agreement requires payment of the monetary contribution and dedication of the Education Land prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 109J(1)(c1) of the Act.