

Explanatory Note
Minister for Planning ABN 38 755 709 681
and
Bradcorp Wilton Park Pty Ltd ABN 69 086 388 212

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (**Planning Agreement**) prepared under subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning & Assessment Act 1979 (Act)*.

Parties to the Planning Agreement

The parties to the draft Planning Agreement are the Minister for Planning ABN 38 755 709 681 (the **Minister**) and Bradcorp Wilton Park Pty Ltd ABN 69 086 388 212 (the **Developer**).

Description of the Land to which the Draft Planning Agreement Applies

The draft Planning Agreement applies to the following land (**Land**), all of which is owned by the Developer:

- Lot 1 in DP 1215383
- Lot 2 in DP 1215383
- Lot 4 in DP 702024
- Lot 1 in DP 629828

Description of Proposed Development

The draft Planning Agreement relates to the proposed development of the Land, which is to be made permissible by an amendment to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The amendment is proposed by the *Wilton North, Wilton Growth Area: Wilton North Precinct: Draft Precinct Plan November 2017*, published by the Department of Planning and Environment, and associated maps.

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

The objectives of the draft Planning Agreement are to facilitate the delivery of contributions by the Developer towards the provision of infrastructure, facilities and services which will be required in connection with the urban development of the Land.

The draft Planning Agreement provides that the Developer will make monetary contributions towards roadworks, public transport and social infrastructure in the amount of \$4,436.68 for each of the residential lots proposed for the Land. The Developer is also required to provide a single monetary contribution of \$2,500,000 (subject to indexation) for the engagement of a Wilton Business Development Director.

In addition, the Developer must dedicate land for road widening and a primary school.

The Developer is also required to carry out roadworks including the construction of new arterial roads and an on-ramp, as well as the construction of a new bridge (including a vehicle carriageway, a pedestrian footway and cycleway) over the Hume Highway.

Finally, the Developer is also required to construct and dedicate an 11-hectare artificial lake.

If the Minister determines that a special infrastructure contribution (**SIC**), within the meaning of s7.24 of the Act, is to be paid in respect of the development of the Land, the Developer must pay the SIC, although offsets will be granted against the SIC for the value of contributions made under the draft Planning Agreement.

The Developer must also pay a monetary contribution in an amount determined by the Minister in respect of any part of the development for which consent is granted before the Minister decides to require payment of a SIC for the development.

Sections 7.11 and 7.12 of the Act continue to apply to the development.

Contributions are generally required before the issue of a subdivision certificate within the meaning of the Act.

The draft Planning Agreement requires bank guarantees to secure the carrying out of the Developer's obligations and contains provisions such as a requirement to register the draft Planning Agreement on the title of the Land and restrictions on dealings with the Land, which secure the contributions under the draft Planning Agreement.

The draft Planning Agreement contains a dispute resolution clause requiring mediation.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The planning purpose served by the draft Planning Agreement is the provision of public amenities and services, and the orderly and economic development of land.

The Minister has assessed the draft Planning Agreement and considers that it provides a reasonable means of achieving the planning purposes set out above as it will ensure that the Developer makes appropriate contributions towards infrastructure to meet the demand of the development.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services.

For Planning Authorities:

How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

The draft 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 contribute to infrastructure, facilities and services required to meet the demand generated by the development.

All Planning Authorities – Whether the Draft Planning Agreement conforms with the Authority's Capital Works Program

There is no relevant capital works program.

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The draft Planning Agreement requires contributions to be made before the issue of subdivision certificates, and therefore contains a restriction on the issue of subdivision certificates due to the operation of s 109J(c1) of the Act as continued by clause 18 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*

The draft Planning Agreement requires certain security to be made before the issue of a construction certificate, and therefore contains a restriction on the issue of construction certificates under clause 146A of the *Environmental Planning and Assessment Regulation 2000*.

The draft Planning Agreement does not contain any restrictions on the issue of occupation certificates.