

## Explanatory Note

**Minister for Planning ABN 38 755 709 681**

**and**

**Walker Corporation Pty Ltd ABN 95 001 176 263 and  
Walker Group Holdings Pty Ltd ACN 001 215 069**

### 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 6 of Part 4 of the *Environmental Planning & Assessment Act 1979* (the **Act**).

### Parties to the Planning Agreement

The parties to the Planning agreement are the Minister for Planning ABN 38 755 709 681 (the **Minister**) and Walker Corporation Pty Ltd ABN 95 001 176 263 (**Walker**) and Walker Group Holdings Pty Ltd ACN 001 215 069 (**Walker Group**) (together the **Developer**).

### Description of the Land to which the Draft Planning Agreement Applies

The Planning Agreement applies to the following land:

Address	Title Details	Landowner
5 Janderra Lane, Wilton	Lot 51 in DP 626650	Walker
15 Janderra Lane, Wilton	Lot 75 in DP 837310	Walker
990 Picton Road, Wilton	Lot 16 in DP253158	Walker
1000 Picton Road, Wilton	Lot 25 in DP253157	Walker
1010 Picton Road, Wilton	Lot 26 in DP253157	Walker
1080 Picton Road, Wilton	Lot 29, 30, 34 and 38 in DP 814280	Walker Group

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1114 Picton Road, Wilton	Lot 1 in DP1076362	Walker Group
1140 Picton Road, Wilton	Lot 1 in DP 587498	Walker
Picton Road, Wilton	Lot 2 in DP1076362	Walker
Picton Road, Wilton	Lot 2 in DP108340	Walker
72 Almond Street, Wilton	Lot 1 in DP1018965	Walker
1090 Argyle Street, Wilton	Lots 32, 33, 36 and 37 in DP 814280  Lot 2 Section 13 in DP 759094	Walker

## Description of Proposed Development

The Planning Agreement relates to the proposed urban development of the land which is to be made permissible by an amendment to the *Wollondilly Local Environmental Plan 2013* which is proposed by the Wilton South East Precinct Planning Proposal, 990 Picton Road, Wilton.

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

The objectives of the 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 Planning Agreement provides that the Developer will make monetary contributions towards roadworks, public transport and social infrastructure in the amount of \$5,563.33 for each of the 3,000 residential lots proposed for the land.

In addition, the Developer must dedicate land for road widening and a school, and carry out roadworks to the intersections of Picton Road and Pembroke Road, and Picton Road and Almond Street, including works to the Picton Parade West and Picton Road grade separation.

Also, if the Minister determines that a special infrastructure contribution (**SIC**) within the meaning of the Act is to be paid in respect of the development of the land to which the Planning Agreement relates, the Developer must pay the SIC, although offsets may be granted against the SIC for the value of contributions made under the 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 94 and 94A of the Act continue to apply.

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

The Planning Agreement requires bank guarantees to secure the carrying out of the road works and contains provisions such as a requirement to register the Planning Agreement on the title of the land and restrictions on dealings with the land, which secure the contributions under the Planning Agreement.

The Planning Agreement contains a dispute resolution clause requiring expert determination and 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 Planning Agreement is the provision of public amenities and services, and the orderly and economic development of land.

The Minister has assessed the 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 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 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 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 s109J(1)(c1) of the Act.

