

## Explanatory Note

### Minister for Planning, Winten (14) Pty Limited, Winten Developments Pty Limited, Woorong Park Pty Limited

### Amendment of Planning Agreement

#### Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed agreement to amend the planning agreement (the **Planning Agreement**) between the Minister for Planning (**Minister**), Winten (14) Pty Limited (**Developer**), Winten Developments Pty Limited (**Guarantor**) and Woorong Park Pty Limited (**Landowner**) dated 30 September 2013 (the **Amended Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 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 Amended Agreement

The parties to the Amended Agreement are the Minister, the Developer, the Guarantor and the Landowner.

#### Description of the Subject Land

Since the Planning Agreement was entered into, the Landowner has sold part of the land to which the Planning Agreement applies to Stockland Development Pty Limited (ACN 000 064 835) (**Stockland**).

The Amended Agreement therefore now applies to Lot 7 in DP1078187, Lot 8 in DP1078187, Lot 9 in DP1078187 and Lot 3 in DP1225885 (the **Land**).

#### Description of the Development

The Developer is proposing to develop the Land into approximately 3600 Urban Lots (**Development**) and has made an offer to the Minister to enter into the Amended Agreement in connection with the Development.

#### Summary of Objectives, Nature and Effect of the Amended Agreement

As part of the Land has been sold to Stockland, Stockland has agreed to provide the Road Improvement Works Contribution previously required under the Planning Agreement.

The Amended Agreement therefore now provides that the Developer will make a development contribution by providing the Education Land Contribution, comprising the:

- dedication of the Education Land at no cost to the Minister, comprising approximately 6 hectares of land; and
- payment of the Education Cash Contribution in the amount of \$11.25 million.

The objective of the Amended Agreement is to facilitate the Developer's delivery of the Development Contribution.

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 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services; and
- enhancement of the natural environment.

The Minister and the Developer have assessed the Planning Agreement and both 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 the Development Contribution.

### **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 infrastructure, facilities and services to satisfy needs that arise from development of the Land.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the objects of the Act by:

- (i) section 1.3(a) - "proper management, development and conservation of natural and artificial resources, including...natural areas.... for the purpose of promoting the social and economic welfare of the community and a better environment";
- (ii) section 1.3(c) – to “promote the orderly and economic use and development of land”.
- (iii) section 1.3(e) - "the protection of the environment"; and
- (iv) section 1.3(b) - "ecologically sustainable development".

### **Requirements relating to Construction, Occupation and Subdivision Certificates**

The Amended Agreement specifies that the dedication of the Education Land at no cost to the Minister must occur prior to the issue of a subdivision certificate for the 801<sup>st</sup> Urban Lot.

The Amended Agreement does not contain any restrictions on the issue of a construction certificate or occupation certificate.