

## **Explanatory Note**

**Minister for Planning and Public Spaces (ABN 20 770 707 468)**

**and**

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

**and**

**The Village Building Co. Limited (ACN 056 509 025) in its capacity as trustee for Village No 25 Pty Limited (ACN 620 656 313)**

**and**

**Canberra Estates Consortium No 69 Pty Limited (ACN 622 506 227)**

**and**

**Robin Pty. Limited (ACN 008 504 149)**

**and**

**Poplars Developments Pty Ltd (ACN 128 465 887)**

## **Draft Planning Agreement – South Tralee**

### **Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning 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 having regard to the Planning Agreements Practice Note issued under clause 25B of the *Environmental Planning and Assessment Regulation* 2000 and its contents have been agreed by the parties.

### **Background**

The Minister for Planning and Public Spaces (ABN 20 770 707 468) (the **Minister**) and The Village Building Co. Limited (ACN 056 509 025) in its capacity as trustee for Canberra Estates Consortium No 4 Pty Limited (ACN 097 260 930) (the **Original Developer**) entered into a planning agreement on 14 August 2018 (the **Original Planning Agreement**).

The Original Planning Agreement related to a proposal by the Original Developer comprising the subdivision of land located at South Tralee into approximately 750 residential dwellings in stages.

In connection with the development and for the purposes of the provision of designated State public infrastructure, the Original Planning Agreement proposed that the Original Developer would make the following contributions:

- the dedication of a 3ha site proposed to be used for a school; and
- a monetary contribution of \$3,300 per urban lot (subject to indexation).

Since entering into the Original Planning Agreement, the following has occurred:

- an alternative preferred school site of 4.5 hectares (close to the location of the original school site) has been identified and will be provided directly by the owner of that site; and
- a number of urban lots have been created on the development land in respect of which a monetary contribution has already been made.

Accordingly, it is now intended to enter into a new planning agreement to apply to the remaining urban lots to be created on the development land (the **New Planning Agreement**). This New Planning Agreement will replace the Original Planning Agreement.

### **Parties to the New Planning Agreement**

The parties to the New Planning Agreement are the Minister and:

- the Original Developer;
- Robin Pty. Limited (ACN 008 504 149) and Poplars Developments Pty Ltd (ACN 128 465 887) (whichever is the owner of the proposed school site is the **Education Landowner**);
- The Village Building Co. Limited (ACN 056 509 025) in its capacity as trustee for Village No 25 Pty Limited (ACN 620 656 313) and Canberra Estates Consortium No 69 Pty Limited (ACN 622 506 227) (together, the **New Developer**).

### **Description of the Subject Land**

The New Planning Agreement applies to the following parcels of land (being the **Subject Land**):

- Lot 1 in Deposited Plan 1269436 and Lot 189 in Deposited Plan 1272220 now known as 460 Environa Drive, Environa; and
- Lot 191 in Deposited Plan 1272220 now known as 13 Violet Terrace, Tralee.

The Subject Land includes land to which the Original Planning Agreement applied for which a monetary contribution has not yet been made.

The New Planning Agreement also applies to the new 4.5 hectare proposed school site located on Lot 1 in Deposited Plan 1263364 known as 300 Lanyon Drive, Jerrabomberra (the **Education Land**). A plan showing the location of the Education Land is Annexure A to the New Planning Agreement.

### **Description of the Proposed Development**

The New Developer is seeking to subdivide the Subject Land into approximately 370 urban lots in stages generally in accordance with Development Applications No. 395-2017 and DA.2020.1135 as approved by Queanbeyan-Palerang Regional Council (**Proposed Development**).

The Proposed Development consists of the creation of the remaining urban lots to which the Original Planning Agreement applied which have not yet been created.

The New Developer has made an offer to the Minister to enter into the New Planning Agreement in connection with the Proposed Development.

## **Summary of Objectives, Nature and Effect of the New Planning Agreement**

The New Planning Agreement revokes the Original Planning Agreement.

Consistent with the Original Planning Agreement, the New Planning Agreement provides that:

- the New Developer will make a monetary contribution of \$4,697.27 per urban lot (subject to indexation in accordance with the New Planning Agreement) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012 (LEP)*; and
- the Education Landowner will dedicate the Education Land.

The monetary contribution has increased under the New Planning Agreement to reflect indexation and the current estimated urban lot yields.

An instalment of the monetary contribution will be payable prior to the issue of each relevant subdivision certificate in accordance with Schedule 4 to the New Planning Agreement.

Consistent with the Original Planning Agreement, the New Developer will obtain a credit of \$750,000 when the Education Land is dedicated, which may be applied against the monetary contributions payable under the New Planning Agreement.

The Education Land is to be dedicated by 14 February 2022 in accordance with Schedule 6 to the New Planning Agreement.

The New Developer is required to provide a bank guarantee. The New Planning Agreement is required to be registered on the title to the Subject Land and the Education Land in accordance with section 7.6 of the Act.

The objective of the New Planning Agreement is to facilitate the delivery of the required contributions towards the provision of designated State public infrastructure, facilities and services referred to in clause 6.1 of the LEP in connection with the Proposed Development.

No relevant capital works program by the Minister is associated with the New Planning Agreement.

## **Assessment of Merits of New Planning Agreement**

### **The Public Purpose of the New Planning Agreement**

In accordance with section 7.4(2) of the Act, the New Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services, including a school;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister, the Education Landowner and the New Developer have assessed the New Planning Agreement and they are all of the view that the provisions of the New Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that appropriate contributions are made towards the provision of infrastructure, facilities and services.

## **How the New Planning Agreement Promotes the Public Interest**

The New 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 Subject Land.

The New Developer and Education Landowner's offer to contribute towards the provision of State public infrastructure will have a positive public impact on the public who will ultimately use it.

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

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

The New Planning Agreement requires:

- each instalment of the monetary contribution to be paid (or credits retired) prior to the issue of the relevant subdivision certificate; and
- the Education Land to be dedicated prior to the issue of a subdivision certificate that creates the first urban lot on the Subject Land,

and therefore contains restrictions on the issue of subdivision certificates within the meaning of section 6.15(1)(d) of the Act.