

Explanatory Note
Minister for Planning and Public Spaces ABN 20 770 707 468
and
HP Subsidiary Pty Ltd ACN 625 640 039
and
Riveredge Investments Pty Ltd ACN 616 071 473
Draft Planning Agreement

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 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 Planning Agreement

The parties to the Planning Agreement are the Minister for Planning and Public Spaces ABN 20 770 707 468 (the **Minister**) and the following 'Developer' parties:

- HP Subsidiary Pty Ltd ACN 625 640 039; and
- Riveredge Investments Pty Ltd ACN 616 071 473.

Description of the Subject Land

The Planning Agreement applies to:

- Lot 5 in Deposited Plan 1081374 known as 2B Hill Road, Lidcombe (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to demolish the existing structures on the Subject Land and construct three residential flat buildings (containing approximately 302 units in total) with five levels of basement parking and undertake associated road/civil infrastructure works (**Proposed Development**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$107.27 per square metre of gross floor area (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 6.8 of the *Auburn Local Environmental Plan 2010 (LEP)*.

Each instalment of the monetary contribution will be payable prior to the issue of each relevant Occupation Certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a bank guarantee.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred to in clause 6.8 of the LEP.

No relevant capital works program by the Minister is associated with the Planning 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
- 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 both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above. This is because it will ensure that the Developer makes appropriate contributions towards the provision of designated State public infrastructure referred to in clause 6.8 of the LEP.

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 Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use the infrastructure, facilities and services.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion of the orderly and economic use and development of land.

The Planning Agreement promotes the object of the Act set out above by facilitating development of the Subject Land in accordance with the Planning Agreement.

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 subdivision certificate or a construction certificate.

The Planning Agreement requires each instalment of the monetary contribution to be paid prior to the issue of the relevant occupation certificate and therefore contains a restriction on the issue of an occupation certificate within the meaning of clause 154E of the Regulation.