

**Explanatory Note**  
**Minister for Planning and Public Spaces (ABN 20 770 707 468)**  
**and**  
**Stockland Development Pty Limited (ACN 000 064 835)**  
**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 Stockland Development Pty Limited (ACN 000 064 835) (**Developer**).

**Description of the Subject Land**

The Planning Agreement applies to the **Subject Land**, being:

- Lot 32 in DP1439
- Lot 33 in DP1439
- Lot 6128 in DP1238896

The Subject Land is located at 128-320 Denham Court Road, Denham Court.

**Description of the Proposed Development**

The Developer proposes to develop the Land for residential purposes generally in accordance with the following development applications:

- DA 692/2018;
- DA 693/2017/DA-SW;
- DA 2017/1661/1; and
- DA 1761/2019/DA-SW,

(**Development**).

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

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

The Planning Agreement requires the Developer to:

- upgrade Denham Court Road, East Leppington including the realignment and widening of approximately 1.1km of the rural road to urban arterial road, demolition of the existing bridge, construction of two new bridges, a roundabout and dual carriageway road and associated civil

and landscaping works in accordance with DA 1126/2016 and DA 3872/2016/DA-CW (**Road Works**); and

- dedicate the land required for the Road Works identified as “Area of Land Acquisition” on the plan at Schedule 6 to the Planning Agreement to the Minister or the Minister’s nominee no later than 3 months after completion of the Road Works.

The Developer is required to provide security by way of bank guarantees on execution: one for \$200,000 and a second for \$4,810,586. The latter security is required for the Road Works.

The planning agreement will be registered on the titles to the Subject Land.

The objective of the Planning Agreement is to facilitate the delivery of the Developer’s contribution towards the provision of transport infrastructure for use by the future residents of the Subject Land and the residents in the local government areas (**LGAs**) of the City of Campbelltown and Liverpool.

## **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) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and 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 an appropriate contribution towards the provision of transport infrastructure within the LGAs of the City of Campbelltown and Liverpool.

### **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 transport infrastructure to satisfy needs that arise from development of the Subject Land.

The Developer’s offer to contribute towards the provision of transport infrastructure will have a positive impact on the public who ultimately use the transport infrastructure.

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

The Planning Agreement promotes the objects of the Act, as outlined in section 1.3 of the Act, by:

- promoting of the orderly and economic use and development of land; and
- promoting good design and amenity of the built environment.

The Planning Agreement promotes the objects 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 construction certificate or an occupation certificate.

Restrictions on the issue of subdivision certificates apply as follows:

Restriction	Obligations to be fulfilled by the Developer
Subdivision certificate which creates the 1 <sup>st</sup> lot for residential purposes under the consent granted for development under DA 1761/2019/DA-SW.	<ul style="list-style-type: none"> <li>• practical completion of the Road Works</li> </ul>