

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
Stockland Development Pty Limited (ACN 000 064 835)
and
AW Bidco 4 Pty Limited (ACN 637 312 700)
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 having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and Stockland Development Pty Limited (ACN 000 064 835) and AW Bidco 4 Pty Limited (ACN 637 312 700) (together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 3 in Deposited Plan 253552 known as 119 Old Pitt Town Road, Gables NSW 2765 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land and other adjoining land into approximately 146 residential lots and one open space lot (in 2 stages), and associated infrastructure and works, generally in accordance with Development Application No. DA/1243/2022/ZB which has been lodged with The Hills Shire Council (**Proposed Development**).

The Proposed Development involves development on both the Subject Land and other adjoining land. Development contributions relating to the development of the adjoining land are required under the existing Box Hill North Precinct Planning Agreement dated 6 May 2015. Accordingly, the Developer has made an offer to the Minister to enter into the Planning Agreement in connection with that part of the Proposed Development to be undertaken on the Subject Land.

An indicative plan of the Proposed Development is at the end of this explanatory note.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$98,879.27 per hectare of net developable area (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.2 of *The Hills Local Environmental Plan 2019 (LEP)*.

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

The Developer is required to provide a bank guarantee in accordance with Schedule 5 to the Planning Agreement.

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 6.2 of the LEP.

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

Assessment of Merits of Planning Agreement

The Public 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;
- 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 purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of infrastructure, facilities and services.

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 it.

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.

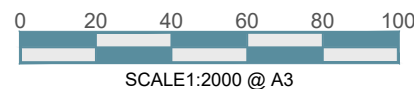
The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

Indicative Plan of the Proposed Development



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LEGEND
(A) EASEMENT TO DRAIN WATER 1.5 WIDE
(B) EASEMENT TO DRAIN WATER 1.5 WIDE

NOTES
1. LOT DIMENSIONS AND AREAS ARE APPROXIMATE ONLY
2. THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.



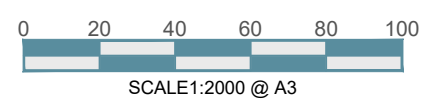
THE GABLES
BOX HILL

PRECINCT H - STAGE 6A
PLAN OF PROPOSED SUBDIVISION
OF LOT 3 DP253552, LOT 2065 DP1217660,
LOT 14 DP 1244689, LOT 2338 DP 1217663
& LOT 2519 IN STAGE H5
OLD PITT TOWN ROAD & FONTANA DRIVE
GABLES

Scale : 1:2000 @ A3 Date : 22/06/2022 Plan No. : 23273-SUB H6A



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LEGEND
(A) EASEMENT TO DRAIN WATER 1.5 WIDE
SITE 'Z' BENEFITED BY EASEMENT FOR LANDSCAPING
& ARTWORK 7 WIDE (DP1217660)

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*FOR DISCUSSION
PURPOSES ONLY*



PRECINCT H - STAGE 6B
PLAN OF PROPOSED SUBDIVISION
OF LOT 2742 IN STAGE H6A
OLD PITT TOWN ROAD & FONTANA DRIVE
GABLES
Scale : 1:2000 @ A3 Date : 27/06/2022 Plan No. : 23273-SUB H6B