

Explanatory Note
Minister of Planning and Public Spaces (ABN 20 770 707 468)
and
Landcom (ABN 79 268 260 688)
and
Dahua Group Sydney Project 2 Pty Ltd (ACN 606 391 235)
Variation to Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the Deed of Variation to Planning Agreement in relation to SVPA2017-8774 Menangle Park (the **Variation Deed**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**). The Variation Deed amends the planning agreement entered into by the parties on 3 December 2019 under section 7.4 of the Act (the **Planning Agreement**).

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 Variation Deed

The parties to the Variation Deed are the Minister for Planning and Public Spaces (ABN 20 770 707 468) (the **Minister**), Dahua Group Sydney Project 2 Pty Ltd (ACN 606 391 235) (**Dahua 2**) and Landcom (ABN 79 268 260 688) (**Landcom**).

Description of the Subject Land

The Planning Agreement as varied by the Variation Deed applies to the same land to which the Planning Agreement applies (**Subject Land**).

Description of the Proposed Development

The Proposed Development was defined in the Planning Agreement as meaning the subdivision and other development of the Subject Land for residential, commercial, industrial and related purposes and includes the subdivision of the Subject Land into Final Lots to enable the erection of a maximum of 3600 Dwellings .

Summary of Objectives, Nature and Effect of the Planning Agreement as varied by the Variation Deed

The Variation Deed varies the Planning Agreement to:

- delay the transfer of the Education Land to the Minister or the Minister's nominee;
and
- make other administrative updates to the Planning Agreement.

The requirements to provide security are provided in Schedule 5 to the Planning Agreement.

Assessment of Merits of Planning Agreement as varied by the Variation Deed

The Public Purpose of the Planning Agreement as varied by the Variation Deed

In accordance with section 7.4(2) of the Act, the Planning Agreement as varied by the Variation Deed 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, Dahua 2 and Landcom have assessed the Planning Agreement as varied by the Variation Deed and all hold the view that the provisions of the Planning Agreement as varied by the Variation Deed provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that Dahua 2 and Landcom will make an appropriate contribution towards the provision of infrastructure, facilities and services.

How the Planning Agreement as varied by the Variation Deed 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 offer by Dahua 2 and Landcom to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use it.

The Variation Deed promotes the public interest set out above by not changing the requirement that the Developer provides an appropriate contribution towards the provision of infrastructure, facilities and services to satisfy the needs that arise from development of the Subject Land.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement as varied by the Variation Deed requires the Education Land to be transferred to the Minister or the Minister's nominee by the earlier of:

- before Dahua 2 applies for a subdivision certificate or a strata certificate (as the case may be) for the subdivision of land into Final Lots on which the 1,500th Dwelling in the Menangle Park Development Area is to be developed as part of the Proposed Development or the development known as the "Dahua 3 Development"; and
- 31 March 2026.

Therefore, the Planning Agreement as varied by the Variation Deed contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

The Planning Agreement as varied by the Variation Deed does not specify new requirements that must be complied with prior to the issue of an occupation certificate or a construction certificate.