

## **Appendix**

(Clause 38)

*Environmental Planning and Assessment Regulation 2021*

(Section 205)

## **Explanatory Note**

### **Draft Planning Deed**

Under s 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW).

This Explanatory Note has been prepared jointly between the parties in accordance with clause 205 of the *Environmental Planning & Assessment Regulation 2021* (NSW).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Planning Agreement**) between the parties under s7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

**This Explanatory Note is not to be used to assist in construing the Planning Agreement.**

### **Parties**

**Campbelltown City Council** ABN 31 459 914 087 of Civic Centre, cnr Queen and Broughton St, Campbelltown NSW 2560 (**Council**)

**Landcom** ABN 79 268 260 688 of Level 14, 60 Station Street East, Parramatta New South Wales 2150 (**Landcom**)

### **Description of the Land to which the Draft Planning Agreement Applies**

Part Lot 1097 in DP1182558, bounded by Goldsmith Avenue and Main South Rail Line as shown on the plan in Schedule 1 of this Deed.

## **Description of Proposed Development to which the Draft Planning Agreement Applies**

Subdivision of the Land to create 5 superlots and a residue lot, civil works, construction of local road network and parks and landscaping and concept approval for six building envelopes of varying heights, maximum gross floor area, residential development of approximately 1.250 dwellings, ground floor commercial uses, parking spaces, active open space, public domain landscaping, a pedestrian and cycle network including future pedestrian bridge pursuant to concept development consent in connection with DA 3944/2021/DA-SW (**Development**).

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

### **Objectives of Draft Planning Agreement**

The objective of the Draft Planning Agreement is to provide infrastructure, facilities and services to meet the needs of the Development and provide for the dedication of land so that the Campbelltown community does not need to bear those costs.

### **Nature of Draft Planning Agreement**

The Draft Planning Agreement is a planning agreement under 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*. It is a voluntary agreement, under which Landcom makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4 of the Act).

### **Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

- relates to the carrying out by Landcom of the Development;
- excludes the application of s 7.11 and s 7.12 of the Act to the Development;
- does not exclude the application of s 7.24 of the Act to the Development;
- requires dedication of land and carrying out of Works;
- is to be registered on the title to the Land;
- imposes restrictions on Landcom transferring the Land or part of the Land or assigning an interest under the Deed;
- provides a dispute resolution method for a dispute under the agreement; being mediation and expert determination;
- provides that the agreement is governed by the law of New South Wales; and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* applies to the agreement.

## **Assessment of the Merits of the Draft Planning Agreement**

### **The Planning Purposes Served by the Draft Planning Agreement**

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Deed applies,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

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

The Draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in a ss 1.3(a), (c) and (g) of the Act.

### **Assessment of the positive or negative impact of the Draft Planning Agreement on the public or relevant section of the public**

The Planning Agreement has a positive impact as a result of the public benefits to be provided under the Planning Agreement no negative impact on the public or any section of the public as far as the Council is aware.

### **How the Planning Agreement promotes Council's guiding principles**

The Planning Agreement promotes a number of Council's guiding principles under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) The exhibition of the Planning Agreement facilitates the involvement of members of the public in the consultation process for the Planning Agreement;
- (2) To plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community;
- (3) To act fairly, ethically and without bias to the interests of the local community;
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) To engage in long-term strategic planning on behalf of the local community;

## **Macarthur Gardens North Planning Agreement**

### **Campbelltown City Council**

#### **Landcom**

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- (7) To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- (8) The Planning Agreement makes it clear that Council has a statutory role as consent authority in relation to the development proposal and that the Planning Agreement is not intended to unlawfully influence the exercise of Council's regulatory functions.

#### **Whether the Draft Planning Agreement Conforms with the Planning Authority's Capital Works Program**

The Planning Agreement conforms with Council's Capital Works Program.

#### **Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

Yes. The Planning Agreement requires Landcom to make contributions for public purposes under the agreement prior to the issuing of a Subdivision Certificate for the Development.