

Planning Agreement

Explanatory Note

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1 Introduction

This Explanatory Note has been prepared jointly between the parties in accordance with clause 25E of the *Environmental Planning & Assessment Regulation 2000* (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.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Liverpool City Council (ABN 84 181 182 471) (**Council**).
- (2) Vicliz Pty Ltd (ACN 063 429 130) (**Developer**).

3 Description of the Land

The land to which the Planning Agreement relates, and to which the Planning Agreement will be registered, is set out in the table below.

Folio Identifier	Location
Lot E in DP28997	1370 Camden Valley Way, Leppington 2179 NSW

4 Summary of objects, nature and effect of the Planning Agreement

The **objective** of the Planning Agreement is to support the Developer's proposal to change the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* as sought by the Developer under Planning Proposal RZ-1/2017 (LEP Amendment no. 88) (**Instrument Change**), by providing contributions to the public, consisting of public recreation and pedestrian facilities, and ancillary maintenance works on part of the Land coloured yellow and hatched in red labelled SP2 and RE1 on the plan attached at **Annexure 1**.

The offer made by the Developer set out in the Planning Agreement is largely based on the need for public recreation facilities resulting from the Instrument Change and any development permitted to be undertaken on the Land after the Instrument Change is made. The Planning Agreement will assist in the early delivery of recreation facilities, without any additional cost to Council.

The development contributions provided by the Developer under the Planning Agreement are described in the table below and will be delivered prior to the issue of the first residential subdivision certificate in relation to the proposed development on the Land (**Contributions**).

Item of Works	Specification
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Social Court	Broom finish concrete surface plaza with outdoor seating and tree plantings. Informal recreation elements (i.e. basketball/netball hoop, bocce court etc). Width 20m, length 20m, area 400m2.
Walking Loop	Broom finished concrete. Width 2.5m, length 180m, area 450m2.
Link Across Riparian Corridor (Boardwalk/Bridge)	Broom finished concrete path connecting to boardwalk spanning riparian corridor. Structure: steel and timber. Decking: recycled plastic. Balustrade: steel and timber. Width 3.5m, length 70m (actual span of boardwalk to be acceptable to Council), area 245m2.
Pedestrian Crossing	Raised, marked pedestrian crossing in accordance with AS 1742.10. Pedestrian refuge to be included, if required. Width 3.6m and length 17m.

As security for the Developer's obligations to pay the Contributions, the Planning Agreement will be registered on the title of the Land and the Developer will provide Council with bank guarantees to ensure completion of the Contributions.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Contributions.

The **effect** of the Planning Agreement is that the Developer will provide the Contributions in the manner provided for by the Planning Agreement (as applicable).

5 Assessment of the merits of the Planning Agreement

5.1 The planning purposes served by the Planning Agreement

In accordance with section 7.4 of the EPA Act, the Planning Agreement promotes the following public purposes:

- (1) the provision of public amenities and public services; and
- (2) the monitoring of the planning impacts of development of the Land.

5.2 How the Planning Agreement promotes the public interest

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) By providing certainty as to provision of the Contributions.
- (2) The proper management, development and conservation of land.
- (3) The promotion and co-ordination of the orderly and economic use and development of land.
- (4) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment, and are invited to make comment on the Planning Agreement.

5.3 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 engage in long-term strategic planning on behalf of the local community;
- (4) this explanatory note is prepared for the purposes of keeping the community informed about its activities and to ensure that its decision-making is transparent; and
- (5) 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.

6 Identification of whether the Planning Agreement conforms with the Council's capital works program

The Contributions provided under the Planning Agreement are above and beyond the public facilities proposed under the East Leppington Development Contributions Plan, which means they are provided outside the scope of Council's capital works program.