

Explanatory Note

Exhibition of draft Planning Agreement

Environmental Planning and Assessment Regulation 2021 (section 205)

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (**Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared as required by section 205 of the *Environmental Planning and Assessment Regulation 2021* having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Words appearing with capital letters in this note have the meanings given to them in this note or, if not defined in this note, in the Planning Agreement.

This explanatory note must not be used to assist in construing the Planning Agreement.

Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (a) Transport for NSW (ABN 18 804 239 602) (**TfNSW**);
- (b) LegPro 70 Pty Ltd (ACN 628 315 239) in its capacity as trustee for LegPro 70 Unit Trust (**Legacy**); and
- (c) LegPro 70 Stage 1 Pty Ltd (ACN 675 052 105) in its capacity as trustee for LegPro 70 Stage 1 Unit Trust (**Developer**).

Legacy is the Landowner.

Description of the Land

The Planning Agreement applies to Lot 101 in DP1301632, owned by Legacy.

The Developer will become the owner of the Land as the Development progresses.

Description of the Proposed Development

The Developer will carry out development on the Land comprising the construction of five residential flat buildings with basement parking, associated landscaping, construction of roundabout and internal roads in accordance with the Stage 1 Development Consent.

The Developer proposes to enter the Planning Agreement to pay the Monetary Contribution to TfNSW, in satisfaction of a condition of the Stage 1 Development Consent.

Summary of Objectives, Nature and Effect of the Planning Agreement

The objective of the Planning Agreement is to facilitate the provision of regional infrastructure within the meaning of Subdivision 4 of Division 7.1 of the Act.

The Planning Agreement requires the Developer to make development contributions in connection with the Development for the purposes of the provision of regional or State transport infrastructure. Specifically, the development contributions comprise a monetary contribution of \$100,000 to be paid to TfNSW to facilitate an assessment of the level crossing at Railway Street, Corrimal.

The Developer will provide security for the Development Contributions in the form of:

- (a) registration of the Planning Agreement on the title of the Land; and
- (b) restrictions on the issue of Construction Certificates until the Monetary Contribution has been paid.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

The Planning Agreement will provide a material public benefit to be applied towards community infrastructure and provides the benefit by way of Monetary Contribution.

The Planning Agreement provide a reasonable means of achieving the public purpose set out above.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards an assessment of the level crossing, to satisfy needs that arise from the Proposed Development of the Land.

The Developer's offer to contribute towards this assessment will have a positive impact on the public who will ultimately use it.

Whether the Planning Agreement conforms with TfNSW's capital works program (if any)

Not applicable.

Requirements relating to Construction, Occupation and Subdivision Certificates

Subdivision Certificate

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a subdivision certificate.

Construction Certificate

The Planning Agreement at clause 4.1 requires the Developer pay the Monetary Contribution prior to the issue of a Construction Certificate for the Development.

The Planning Agreement therefore contains a restriction on the issue of a Construction Certificate for the purposes of section 21 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Occupation Certificate

The Planning Agreement does not specify requirements that must be complied with prior to the issue of an occupation certificate.