

Explanatory Note

Environment Planning and Assessment Regulations 2000

Clause 25E

Claymore Renewal Project Planning Agreement 2018
Campbelltown City Council
New South Wales Land and Housing Corporation

1 Planning Agreement

The purpose of this Explanatory Note is to provide a summary to support the notification of the proposed planning agreement in relation to the Claymore Renewal Project (**Planning Agreement**) under section 7.4 of the Environmental Planning and Assessment Act 1979 (NSW) (**Act**).

This Explanatory Note has been prepared jointly by the relevant parties, in accordance with clause 25E(3) of the Environmental Planning and Assessment Regulation 2000 (NSW) (**Regulation**).

2 Parties

The parties to the Planning Agreement are:

1. **Campbelltown City Council** (ABN 31 459 914 087) of Civic Centre, cnr Queen Street and Broughton Street, Campbelltown, NSW 2560 (**Council**); and
2. **New South Wales Land and Housing Corporation** (ABN 24 960 729 253) of Level 5, 219-241 Cleveland Street, Strawberry Hills, NSW 2012 (**The Corporation**)

3 Description of the Land to which the Planning Agreement applies

The Land to which the Planning Agreement applies is described in Schedule 1 (Clause 1.1) of the Planning Agreement (**Land**).

4 Background

The Corporation is the owner of part of the Land. The Land is located within the Campbelltown local government area.

On 24 May 2013 the Minister granted the Concept Plan Approval for the Claymore Renewal Project (**Renewal Project**). The Concept Plan Approval has been modified once on 22 October 2013. The Renewal Project is a staged residential development of low and medium density residential lots located on the Land, as well as associated roads, utilities, open space, recreation facilities, public art areas and trunk storm water management network. The Corporation intends to develop the Land into up to 1,715 final lots.

The Renewal Project is underway. Stage 1 and Stage 2 are complete, with Stage 3 currently in the planning phase. The Corporation intends to lodge future development applications to Council in relation to further stages of the Renewal Project, which will be consistent with the terms and objectives of the Concept Plan Approval.

There is a significant amount of local infrastructure that is required to be provided to meet the demands of the urban development expected in the Claymore Renewal Project. This Planning Agreement provides for the provision of that infrastructure as well as other public benefits.

5 Summary of Objectives, Nature and Effect of the Planning Agreement

5.1 Objectives

The objectives of the Planning Agreement are as follows:

- to provide infrastructure, facilities and services;
- to provide dedication of part of the Land to the Council; and
- to maximise provision efficiencies by supporting The Corporation's delivery of infrastructure at or around the same time as the Land is subdivided and developed.

5.2 Nature

The nature of the Planning Agreement is a planning agreement under section 7.4 of the Act. It is a voluntary agreement under which The Corporation makes Development Contributions (as defined in clause 1.1 of the Planning Agreement) for various public purposes (as defined in section 7.4(2) of the Act).

The Development Contributions are broadly described as follows:

- carrying out of roads works and intersection upgrades associated with Rosslyn Drive, Badgally Road, Arkley Avenue, Dobell Road and Arkley Crescent as well as other local roads;
- construction of a Multipurpose Community Facility;
- trunk stormwater drainage facilities; and
- embellishment and dedication of active and passive recreation areas within the project area.

The details and timing of these Development Contributions are set out in Schedule 3 (Clause 10) of the Planning Agreement.

The Corporation is not required to pay a monetary Development Contribution under the Planning Agreement unless the Council, after having received The Corporation's notice under clause 12.2, has given to The Corporation a tax invoice for the amount of the Development Contribution.

5.3 Effect

The Planning Agreement:

- relates to the carrying out of the Renewal Project by The Corporation;
- wholly excludes the application of section 7.11 and section 7.12 of the Act to the Renewal Project;
- does not exclude the application of section 7.24 of the Act to the Renewal Project;
- requires dedication of the Land and carrying out of Works;
- is not to be registered on the title to the Land for the purposes of section 7.6 of the Act;
- imposes restrictions on The Corporation transferring the Land or part of the Land or assigning an interest under the Planning Agreement;
- provides dispute resolution methods for a dispute which arises under the Planning Agreement, including expert determination and mediation;

- provides that the Planning 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 Planning Agreement.

6 Assessment of the merits of the Planning Agreement

6.1 Impact on Public Interest

The public benefits to be secured by the Planning Agreement flow from the achievement of the Planning Agreement's Objectives (as set out in section 5.1 of this Explanatory Note).

There are provisions in the Planning Agreement relating the implementation of the Planning Agreement which protects and upholds the public interest. These provisions include:

- provisions, including clause 21 of the Planning Agreement requiring The Corporation to the rectification of defects; and
- provisions, including clause 22 of the Planning Agreement requiring The Corporation to provide security for the uncompleted part of the Work, in accordance with clause 22 and clause 23 of the Planning Agreement.

6.2 Promote the Public Interest

The Planning Agreement promotes the public interest by promoting the objects of the Act as set out in section 1.3 of the Act (see section 6.3 of this Explanatory Note).

6.3 Planning Purposes Served by the Planning Agreement

The planning purposes served by the Planning Agreement are addressed in accordance with the objects of the Act, found in section 1.3.

Objects of the Act (section 1.3)	How the Planning Agreement promotes the objects of the Act
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(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources

The Renewal Project is an undertaking for the long term rejuvenation of the Claymore public housing estate to create a sustainable, mixed community. The urban renewal of the area is designed to address issues of urban structure, housing quality and social mix based on a detailed consideration of the characteristics of the site and its context including the existing community.

The Planning Agreement provides a basis for the management of the delivery of the local infrastructure requirements of the Renewal Project.

Specifically, the Renewal Project also provides and coordinates community facilities and services, including a multipurpose Community Facility which is to be incorporated into the Renewal Project.

(c) to promote the orderly and economic use and development of land

Orderly development of the Land is encouraged by the Planning Agreement through the delivery of local infrastructure at or around the same time as the surrounding development which requires it.

(d) to promote the delivery and maintenance of affordable housing

The Planning Agreement facilitates the delivery of the Renewal Project. Particularly in relation to housing mix, the Renewal Project will:

- facilitate the de-concentration of social housing within the estate;
- provide an efficient residential layout that can accommodate a range of lot sizes and housing types;
- provide an active and viable community hub which can cater for the retail and social needs of local residents, and potentially the wider community;
- create opportunities for seniors living accommodation and affordable housing; and
- ensure design options are robust.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats

A Vegetation Management Plan has been agreed for the Renewal Project and the Planning Agreement provides that it will be complied with. The Planning Agreement also stipulates that Hard and Soft Landscaping Work will be undertaken in accordance with applicable Australian standards.

(g) to promote good design and amenity of the built environment

The Planning Agreement provides a basis which will shape how the Renewal Project will function but also how it will feel for its inhabitants. It advocates for good design and amenity of the built environment by involving the Council, The Corporation and the community throughout the stages of development to stimulate the economy and enhance the environment.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants

The Planning Agreement provides a basis for the standard of construction and the maintenance and management of Works undertaken in relation to the Renewal Project.

The Planning Agreement provides for the protection of people and property in the carrying out of any work in respect of the Renewal Project.

(j) to provide increased opportunity for community participation in environmental planning and assessment

The Renewal Project has been designed for the community and with the input of the community. The Concept Plan, each development application for each Stage of the development and this Planning Agreement are being exhibited for community consultation.

7 Planning Authority

7.1 Councils

The Planning Agreement promotes the elements of the Council's Charter under section 8 of the Local Government Act 1993 (NSW) by:

- providing services and infrastructure for the benefit of the local community;
- providing effective financial and asset management, including sound policies and processes for performance management reporting and asset maintenance and enhancement;
- providing an opportunity for the community to make submissions to the Council in relation to the Planning Agreement.

7.2 Development Corporation

N/A

7.3 Other Public Authorities

N/A

7.4 Planning Authority's capital works program

The Council's capital works program does not apply to the Planning Agreement.

8 Requirements to be complied with before a certificate is issued

Schedule 3 (Clause 10) of the Planning Agreement contains details of when Development Contributions are to be met by The Corporation.

The requirements to be complied with before the issuing of a Subdivision Certificate are as follows:

- road works associated with Rosslyn Drive and Badgally Road Intersection;
- road works associated with Rosslyn Drive and Arkley Avenue Intersection (single lane roundabout);
- road works associated with Rosslyn Drive and existing Gidley Crescent Intersection (single lane roundabout);
- road works associated with Rosslyn Drive and existing Dobell Road Intersection (single lane roundabout);
- road works associated with Glenroy Drive and Arkley Crescent Intersection (single lane roundabout);
- road works associated with local and other collector roads as shown in their general location on the Development Area Plan;
- road works associated with new roads adjacent to parks as shown in their general location on the Development Area Plan;
- road works associated with the removal of existing underpasses;
- trunk stormwater drainage facilities;
- water cycle management associated with Brady Park Engineering upgrades;

- water cycle management associated with Fullwood Reserve infiltration swale and detention basin works;
- water cycle management associated with Gross pollutant traps;
- passive recreation areas associated with Badgally Reserve;
- passive recreation areas associated with the landscape buffer to Badgally Road;
- passive recreation areas associated with Davis Park;
- passive recreation areas associated with Dimeny Park;
- active recreation areas associated with Fullwood Reserve;
- passive recreation areas associated with Brady Park; and
- delivery of the Multipurpose Community Facility.

For the Remainder of Development Contributions, the Planning Agreement states that those contributions will be delivered either:

- at the completion of the Badgally Road upgrade by RMS;
- at the issuing of the Subdivision Certificate; or
- as agreed with Council.

These provisions are in place to ensure that all contributions are delivered in lock-step with the Renewal Project.