

Third Deed of Variation to Woorong Park Planning Agreement
Blacktown City Council
Woorong Park Pty Limited

Appendix

(Clause 7)

Environmental Planning and Assessment Regulation 2021

(Section 205)

Explanatory Note

Draft Third Deed of Variation to Woorong Park Planning Agreement

Under s203(5) of the *Environmental Planning and Assessment Regulation 2021*

Parties

Blacktown City Council ABN 18 153 831 768 of 62 Flushcombe Rd, Blacktown NSW 2148 (Council)

Woorong Park Pty Ltd ABN 51 094 493 428 of Level 20, 100 Arthur Street North Sydney NSW 2060 (Developer)

Description of the Land to which the Draft Third Deed of Variation Applies

The Draft Third Deed of Variation applies to the same land that the Planning Agreement applies, being the land identified as Lots 3, 4 and 7 in the proposed plan of subdivision DP1232886.

Description of Proposed Development

The Draft Third Deed of Variation relates to the same Development the subject of the Planning Agreement, being any development on the land that was made permissible under the *Environmental Planning and Assessment Act 1979*.

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Summary of Objectives, Nature and Effect of the Draft Third Deed of Variation

Objectives, Nature and Effect of Draft Third Deed of Variation

The Draft Third Deed of Variation is a deed of variation to the Planning Agreement under s203(5) of the *Environmental Planning and Assessment Regulation 2021*.

The objective and effect of the Draft Third Deed is to further amend the Planning Agreement with respect to the inclusion of six additional land parcels to the Planning Agreement to be dedicated by the Developer for the purposes of detention basins, bio-retention basins, active public reserve, local parks, pathway and bridge crossing being:

- the land identified as ML3.0 Land on the Dedication Land Plan and in Council's Contributions Plan for stand alone bio-retention with an area of 0.2002 hectares,
- the land identified as ML6.0 Land on the Dedication Land Plan and in Council's Contributions Plan for stand alone bio-retention with an area of 0.2711 hectares,
- the land identified as MS2.1 Land on the Dedication Land Plan and in Council's Contributions Plan for bio-retention located in detention basin,
- the land identified as MS3.1 Land on the Dedication Land Plan and in Council's Contributions Plan for bio-retention located in detention basin,
- the land identified as Reserve 1003 Land on the Dedication Land Plan and in Council's Contributions Plan for local park including playground and landscaping adjoining a riparian zone with an area of 0.8972 hectares, and
- the land identified as Reserve 1004 Land on the Dedication Land Plan and in Council's Contributions Plan for local park including playground and landscaping with an area of 0.6172 hectares.

Assessment of the Merits of the Draft Third Deed of Variation

How the Draft Third Deed of Variation Promotes the Public Interest

The Draft Third Deed of Variation requires the Developer to provide the additional six parcels of dedicated land in connection with the Developer's development, which may be used for the public benefit under the Planning Agreement. These development contributions are land on which public infrastructure will be located that will serve the Developer's development and the wider community.

The Draft Third Deed of Variation promotes the objects of the Act as set out in s1.3(c) and (j) of the Act being:

- promoting and co-ordinating the orderly and economic use and development of the Land to which the Planning Agreement applies;
- providing and co-ordinating community services and facilities in connection with the Development; and

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- provides increased opportunity for public involvement and participation in the form of public notification of the draft Third Deed of Variation.

The Draft Third Deed of Variation also promotes the following guiding principles for local councils as set out in s8A of the *Local Government Act 1993* by amending the Planning Agreement:

- the Draft Third Deed of Variation facilitates the Council's management of assets so that current and future local community needs can be met in an affordable way by requiring the Developer to dedicate the six additionally dedicated parcels of land for water-cycle-management facilities, active public reserve, local parks, pathway and bridge crossing to meet current and future local community needs, and will benefit the wider community,
- the Draft Third Deed of Variation is an example of Council working with others, being the Developer, to secure appropriate services for local community needs,
- the Draft Third Deed of Variation promotes active engagement with local communities by being required to be publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2021*.

All Planning Authorities – Whether the Draft Third Deed of Variation Conforms with the Authority's Capital Works Program

The Planning Agreement as amended by this Draft Third Deed conforms with the Council's capital works program.

All Planning Authorities – Whether the Draft Third Deed of Variation specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Third Deed of Variation contains requirements that must be complied with before any certificates under Part 6 of the Act are issued.