

## **Explanatory Note**

### **Draft Planning Agreement**

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

### **Parties**

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

**Universal Property Group Pty Ltd t/as Bathla Investments** ABN 98 078 297 748 of Unit 1/129 Magowar Road, Girraween NSW 2145 (**Developer**)

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

Proposed Lot 1 in a subdivision of Lot 498 in DP 867188 under DA-21-01432

### **Description of Proposed Development**

Construction of a 2-storey shop top housing comprising a child care centre on the ground floor for 100 children with 1st floor staff areas and 2 x 4-bedroom dwellings over a basement parking for 37 car spaces including associated site, drainage and landscaping works.

### **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 require monetary development contributions towards the provision of regional off-site stormwater treatment works.

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

The Draft Planning Agreement is a planning agreement under s7.4 of the *Environmental Planning and Assessment Act 1979* (**Act**). The Draft Planning Agreement is a voluntary agreement under which Development Contributions are made by the Developer for various public purposes (as defined in s7.4(3) of the Act).

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

The Draft Planning Agreement:

- relates to the carrying out by the Developer of development on the Land
- includes the application of s7.11 of the Act to the Development
- includes the application of s7.24 of the Act to the Development
- requires monetary Development Contributions
- is to be registered on the title to the Land
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning an interest under the agreement
- provides dispute resolution for a dispute under 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 of the orderly and economic use and development of the Land to which the agreement applies
- provides and co-ordinates the provision of public infrastructure and facilities in connection with the Development
- 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 s1.3(b), (d) and (j), of the Act.

#### **For Planning Authorities:**

##### ***Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities***

N/A.

##### ***Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted***

N/A.

##### ***Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter***

The Draft Planning Agreement promotes the elements of the Council's charter by:

- providing monetary contributions for public infrastructure for the community
- providing a means that allows the wider community to make submissions to the Council in relation to the agreement.

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

Monetary contributions will be used in the Council's capital works Program. As such, the Draft Planning Agreement conforms to the Council's Capital Works Program.

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

The Draft Planning Agreement specifies that monetary development contributions must be made prior to the issuing of a Construction Certificate for the Development.