

Explanatory Note

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)

Tallawong Road Pty Ltd ACN 648 649 745 of Level 5, 54 Miller St, North Sydney NSW 2060 (Developer)

Description of the Land to which the Planning Agreement Applies

Lot 46 DP 30186, Guntawong Road, Rouse Hill.

Description of Proposed Development

Staged Torrens Title subdivision 1 lot into 64 residential lots including construction of 54 dwellings, demolition, tree removal, new roads, civil works, private laneway, retaining walls and construction of a temporary stormwater basin.

Stage 1

Subdivision into 51 residential lots and 2 x residue lots (including the OSD basin) and construction of dwellings on lots 104, 109-113, 115-148, 150 & 151.

Stage 2

Subdivision of residue lot 300 into 10 residential lots including construction of dwellings on lots 301 – 310 once Tallawong Road upgraded (reconstructed at lower level).

Stage 3

Removal of temporary OSD on Lot 200 and subdivision of lots 201 – 203 and construction of dwellings on lots 201 & 202.

Building envelope plans are provided on lots 101-103, 105-107, 149 & 203.

Summary of Objectives, Nature and Effect of the Planning Agreement

Objectives of Planning Agreement

The objective of the Planning Agreement is to require monetary development contributions towards the provision of off-site stormwater treatment works in the North West Growth Area.

Nature of Draft Planning Agreement

The 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 Planning Agreement

The 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 to be paid
- 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 Planning Agreement

The Planning Purposes Served by the Planning Agreement

The 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 Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s1.3(b),(d) and 1(i) of the Act.

For Planning Authorities:

Development Corporations - How the Planning Agreement Promotes its Statutory Responsibilities

N/A.

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

N/A.

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

The 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 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 Planning Agreement conforms to the Council's Capital Works Program.

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

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