

## **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**)

**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 Planning Agreement Applies**

That part of Lot 6251 DP1236759 that is north of Moonah Street, Melonba

### **Description of Proposed Development**

Torrens title subdivision to create 45 residential lots and 1 residue lot, construction of dwellings on each lot for a mix of detached, abutting and semi-attached dwellings, easements for inter-allotment drainage lines, removal of trees, street-tree planting and landscaping

### **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 off-site stormwater treatment works in the North West Growth Area.

#### **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 s7.12 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 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 1(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 or Subdivision Certificate for the Development.