

Appendix

(Clause 7)

Environmental Planning and Assessment Regulation 2021

(Clause 205)

Explanatory Note

Draft Deed of Variation to Marsden Park Planning Agreement
(Draft Deed)

Under cl203(5)) of the *Environmental Planning and Assessment Regulation 2021*

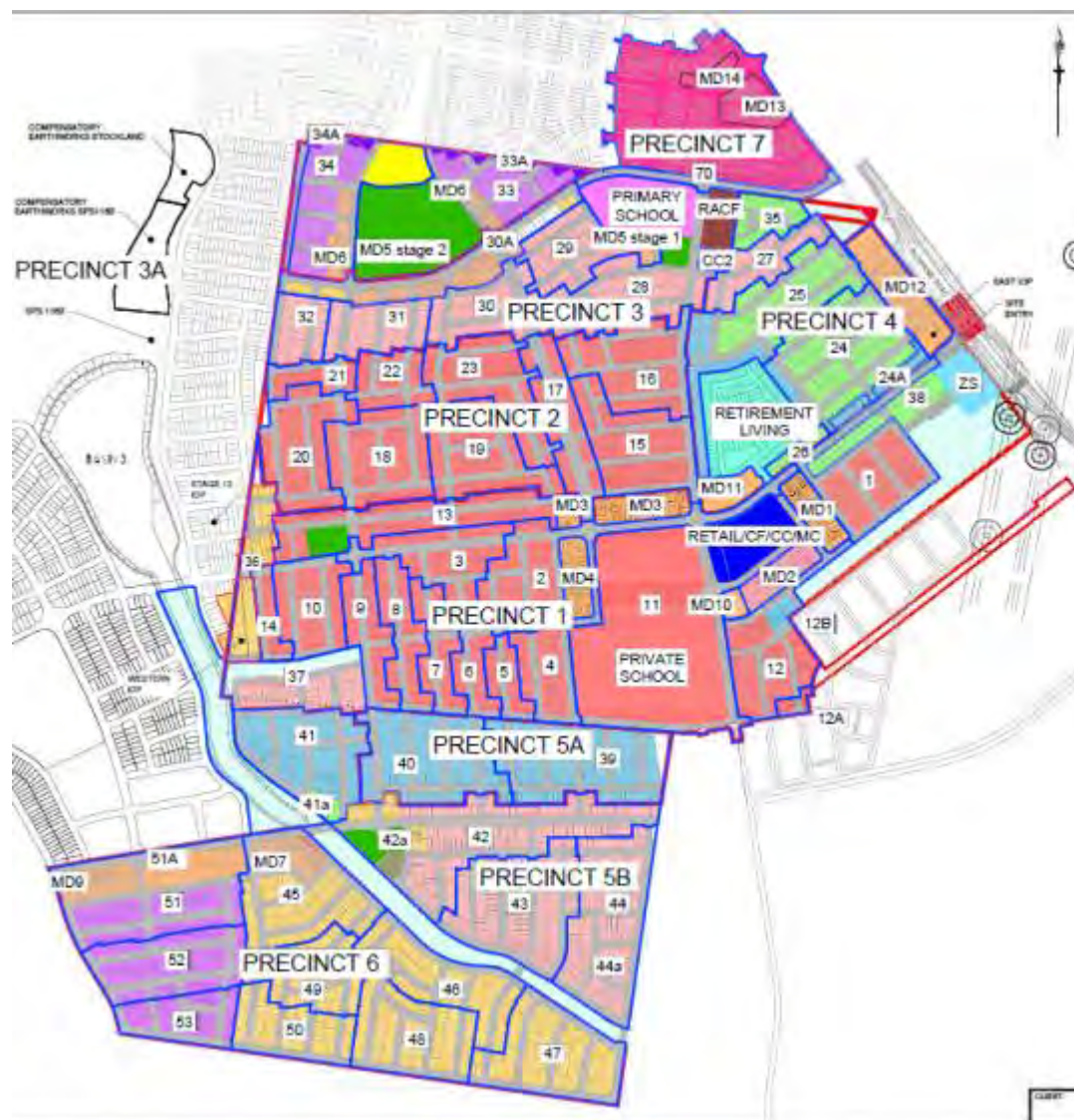
Parties

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

Stockland Development Pty Limited ABN 71 000 064 835 of Level 25, 133
Castlereagh Street, Sydney NSW 2000 (**Developer**)

Description of the Land to which the Draft Deed Applies

The Draft Deed applies to the Land the subject of the Planning Agreement being the following
land in the Council's local government area:



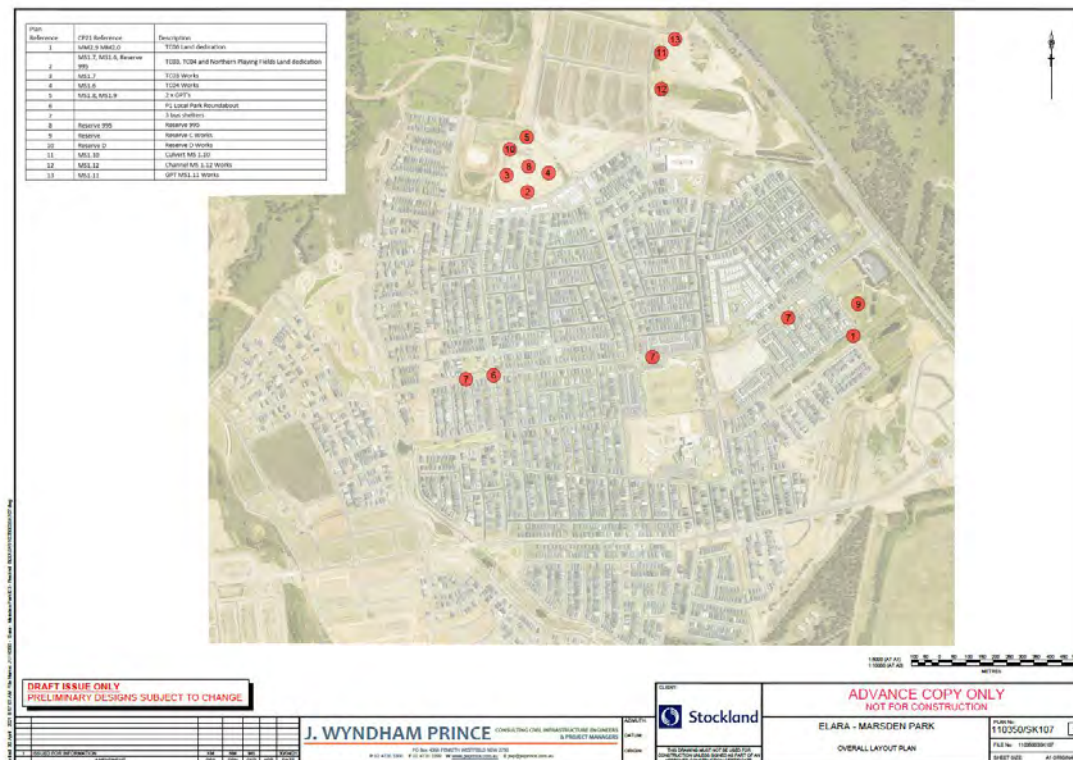
Description of Proposed Development

The Draft Deed amends the Planning Agreement so that the Planning Agreement applies to subdivision of certain land in Marsden Park into approximately 4,432 residential lots, various residual lots, super lots and the undertaking of associated works as approved by the development consents granted to the Developer, and also to the subdivision of the land into further residential lots as approved by the grant of development consent to future development applications.

Description of Development Contributions

The Draft Deed amends the Planning Agreement to include additional contribution items comprising monetary contributions, additional works to be carried out by the Developer, including water management works, gross pollutant traps, roundabout works and embellishment of reserves and the dedication of land for some of those works.

The location of the additional works are shown in the below plan.



Summary of Objectives, Nature and Effect of the Draft Deed

Objectives, Nature and Effect of Draft Deed

The Draft Deed is a deed of variation to the Planning Agreement under cl 203(5) of the *Environmental Planning and Assessment Regulation 2021*.

The objective and effect of the Draft Deed is to amend the Planning Agreement to include additional contribution items comprising monetary contributions, additional works to be carried out by the Developer, and additional land to be dedicated by the Developer to the Council.

The additional works include water management works, gross pollutant traps, roundabout works and embellishment of reserves. The location of the additional works are shown in the above plan.

The Draft Deed also:

- amends the Planning Agreement to effect an amendment to a works-in-kind agreement entered into between the Council and the Developer for the 'Channel TC02 Work'. The change is to ensure that the value that is recognised for the 'Channel TC02 Work' is the value as determined by the Minister administering the

Environmental Planning and Assessment Act 1979 following an assessment by IPART;

- b. amends the Planning Agreement to include land within Precinct 7;
- c. updates the contribution values of certain open space and recreational works already included in the Planning Agreement in line with *Section 7.11 Contributions Plan No. 21 – Marsden Park*, in force at 27 May 2021 as an IPART Reviewed Contributions Plan; and
- d. requires the Developer to engage another person as Principal Contractor for the Developer Works and procure the Principal Contractor to discharge the duties of a Principal Contractor under WHS Law.

Assessment of the Merits of the Draft Deed

How the Draft Deed Promotes the Public Interest

The Draft Deed requires the Developer to provide additional monetary contributions, additional works including water management works, gross pollutant traps, roundabout works and embellishment of reserves and to dedicate additional land to the Council. The Draft Deed increases the value of the Development Contributions to be provided under the Planning Agreement for the public benefit.

The Draft Deed:

- facilitates the orderly and economic use and development of land by ensuring that public facilities and infrastructure that serve the development and the wider community are provided,
- promotes good design and amenity of the built environment by requiring the public facilities and infrastructure to be constructed in accordance with the Council's engineering guides and specifications,
- provides increased opportunity for public involvement and participation in the form of public notification of the Draft Deed.

The Draft Deed promotes the public interest by promoting the objects of the Act set out in section 1.3(a), (c) and (j).

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

- the Draft Deed 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 construct various public facilities and infrastructure that will benefit the wider community,
- the Draft Deed is an example of Council working with others, being the Developer, to secure appropriate services for local community needs,
- the Draft Deed promotes active engagement with local communities by being required to be publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2021*.

*Whether the Draft Deed **Conforms with the Authority's Capital Works Program***

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

Whether the Draft Deed specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Deed does not specify that certain requirements must be complied with before a construction certificate or occupation certificate is issued.

However, the Draft Deed specifies that the payment of monetary contributions and certain works must be delivered prior to the issue of various Subdivision Certificates in the Development.

The Planning Agreement also contains other requirements that must be complied with before a construction certificate, occupation certificate or subdivision certificate may be issued which have not been amended by the Draft Deed.