

**Part Lot 2 DP1145808, Archbold Road, Eastern Creek Planning Agreement**

**Blacktown City Council**

**IRM Property Group (No.2) Pty Limited**

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**Appendix**

(Clause 48)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

**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 Road, Blacktown NSW 2148 (**Council**)

and

**IRM Property Group (No.2) Pty Limited** ABN 50 114 816 296 of PO Box 7, Enfield NSW 2136 (**Developer**)

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

The Draft Planning Agreement applies to the land the subject of Development Application SPP-21-0007 being part Lot 2 in DP1145808 at Archbold Road, Eastern Creek.

**Description of Proposed Development**

The Draft Planning Agreement applies to development described in Development Application SPP-21-00007 as amended, in relation to the Land, to be carried out subject to the conditions of a relevant Development Consent if and when approved.

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## **Description of Development Contributions**

The Draft Planning Agreement requires:

- (a) the making of monetary contributions for traffic and transport management in accordance with Council's Contributions Plan CP18;
- (b) the carrying out of on-site detention and water sensitive urban design works on the Land in place of regional facilities specified in CP18;
- (c) the creation of a ROW for emergency access over part the Land and nearby land in favour of the Council.

## **Summary of Objectives, Nature and Effect of the Draft Planning Agreement**

### **Objectives, Nature and Effect 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).

The objective of the Draft Planning Agreement is to require the provision of the Development Contributions in conjunction with the carrying out of the Development..

The Draft Planning Agreement:

- relates to the carrying out by the Developer of development on the Land
- excludes the application of s7.11 and s7.12 of the Act to the Development
- does not exclude the application of s7.24 of the Act to the Development
- requires the carrying out and completion of Works, the payment of monetary contributions and the creation of a right of way in favour of the Council
- is to be registered on the title to the Land and remain registered until the Development Contributions are provided
- imposes restrictions on the Parties assigning an interest under the agreement and the developer transferring the land,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* applies to the agreement.

## **Assessment of the Merits of the Draft Planning Agreement**

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**How the Draft Planning Agreement Promotes the Public Interest**

The Draft Planning Agreement requires the Development Contributions which will serve the wider community.

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, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

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.

The Draft Planning Agreement also promotes a number of elements of the principles for local government in Chapter 3 of the *Local Government Act 1993* (NSW) (formerly the Council's charter under section 8 of the *Local Government Act 1993* (NSW)).

The Draft Planning Agreement which requires the Developer to construct Works and dedicate land for public road and is required to be publicly notified promotes the following principles:

- the management of lands and other assets so that current and future local community needs can be met in an affordable way,
- working with others to secure appropriate services for local community needs, and
- actively engaging with their local communities, through the use of the integrated planning and reporting framework and other measures.

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

Yes. The Draft Planning Agreement conforms with the Council's Capital Works Program.

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

Yes. The Draft Planning Agreement requires security and the monetary contributions to be provided prior to the issuing of the first Construction Certificate for the Development and the Works to be completed and the ROW to be created before the issuing of the first Occupation Certificate for the Development.