

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)

JJ Richards and Sons Pty Ltd ABN 40 000 805 425 of 3 Grant Street, Cleveland QLD 4163 (Developer)

Description of the Land to which the Draft Planning Agreement Applies

Lot 11 in DP 802117 and Lot 432 in DP 855860, 5 and 7 Rayben Street, Glendenning

Description of Proposed Development

Additions and alterations to existing industrial use, being: Demolition of existing office and amenities 2 Buildings; Demolition of existing fuelling bay 1 and covered area; Refurbishment and extensions to existing workshop and truckwash 1 (6m x 10m building extension and 6m wide awning); Construction of new covered area for fuelling bay - 15m x 20m; Construction of new storage building for plant and equipment and empty bins - 30m x 14m; Construction of new (second) industrial driveway and rearrangement of onsite parking

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.