

**SSD-36138263 Augusta Street Warehouse and Distribution Centre,
Blacktown**

Blacktown City Council

The Trust Company (Australia) Limited

Appendix

(Clause 42)

Environmental Planning and Assessment Regulation 2021

(Section 205)

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 Road, Blacktown,
New South Wales 2148 (Council)

The Trust Company (Australia) Limited ACN 000 000 993 in its capacity as
trustee of the Huntingwood Property Trust of Level 18, 123 Pitt Street, Sydney NSW 2000
(Developer)

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

This Planning Agreement applies to Lots 218-219 in DP457024, Lot 2151 in DP135859, Lot 2 in DP516449, Lot 163 in DP8716, Lots 168-188 in DP8716, Lot 216 in DP8716, Lot 4 in DP585492, Lot 1 in DP119616, Lots 4-6 in DP226294, Lot 1 in DP 835264, Lots 50-52 in DP1144623, Lot 7 in DP803359, Lot 4 in DP583442, Lot 2 in DP1263824, Lots 6-10 in DP801210; Lot 1 in DP1300050; and Lot 164 in DP8716.



**SSD-36138263 Augusta Street Warehouse and Distribution Centre,
Blacktown**

Blacktown City Council

The Trust Company (Australia) Limited



Description of Proposed Development

This Planning Agreement applies to the development the subject of State Significant Development Application SSD-36138263 lodged with the Department of Planning and Environment on 5 October 2023. The Development involves the construction and operation of a warehouse and distribution centre and consolidation and subdivision of the land described in the SSD Application that is the subject of the Development Consent.

Description of Development Contributions

The Developer is to carry out:

- road upgrade works involving half-width construction of Flushcombe Road southwards from its intersection with the Great Western Highway, in order to expand the existing single carriageway road into a dual carriage way road, and
- road upgrade works to extend and upgrade Augusta Street from the intersection with Flushcombe Road, to extend west into the Land, including a turning head within the dedicated road, and
- stormwater drainage upgrade works involving constructing a pipe/s and culvert under the extended portion of Augusta Street; and constructing a culvert headwall/s and wingwalls with associated supporting structures to ensure that storm waterflows are efficiently diverted through the culvert.

The Developer is also to dedicate the newly constructed portion of Augusta Street to Council.

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

Objectives, Nature and Effect of Draft Planning Agreement

The planning agreement is an agreement between the Council and the Developer under which the Developer agrees to make Development Contributions, being the upgrade of roads and stormwater infrastructure and dedication of the road land to the Council to meet the increased demand for public infrastructure that will be or are likely to arise from the carrying out of the Development.

**SSD-36138263 Augusta Street Warehouse and Distribution Centre,
Blacktown**

Blacktown City Council

The Trust Company (Australia) Limited

The Development Contributions are to be made by the Developer in accordance with Schedule 1 to the planning agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The planning agreement provides for the provision of local infrastructure:

- to meet the demands generated by the Development for new public infrastructure, and
- to mitigate the potential impacts of the Development.

The planning agreement will:

- provide for appropriate management of potential environmental impacts arising from the Development,
- enable the subject land to be developed in a timely and efficient manner, and
- provide for the construction and dedication of roads for public purposes.

How the Draft Planning Agreement Promotes the Public Interest

In general, the planning agreement, by making provision for the Developer to make development contributions towards public infrastructure to meet the demand created by the Development and enabling the dedication of land, promotes the following objects of the *Environmental Planning and Assessment Act 1979* as contained in s1.3 of that Act:

- promotes and co-ordinates the orderly and economic use and development of the land,
- achieves the provision of land for public purposes,
- achieves the provision and co-ordination of community services and facilities, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment.

Assessment of the positive or negative impact of the Draft Planning Agreement on the public or relevant section of the public

The planning agreement will have a positive impact on the public in that it will enable the provision of an upgraded and extended road and stormwater infrastructure which will address the future demand for that infrastructure likely to arise from the Development and to improve the Council's road and stormwater network

**SSD-36138263 Augusta Street Warehouse and Distribution Centre,
Blacktown**

Blacktown City Council

The Trust Company (Australia) Limited

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

All Capital Works are as a consequence of the Development and are to be provided by the Developer. As such, the Planning Agreement conforms with 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 planning agreement specifies that security is to be provided before the issuing of the first Construction Certificate for the Development. It also specifies that the carrying out of Works must be completed before the issuing of the first Occupation Certificate for the Development.