

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**)

and

Goodman Property Services (Aust) Pty Limited ACN 088 981 793 of Level 17, 60 Castlereagh Street, Sydney NSW 2000 (**Developer**)

and

The Trust Company Limited ACN 004 027 749 as custodian of the GAI1 BPF Subtrust (TTCL)

and

National Mutual Life Nominees Pty Limited ACN 004 387 133 as custodian of the Wholesale Australian Property Fund ABN 20 783 965 630 (NMLN)

and

Goodman Funds Management Australia Limited (as trustee of the Trust) ACN 113 249 595 (**Trustee**)

and

National Mutual Funds Management Ltd ACN 006 787 720 (**Responsible Entity**)

Description of the Land to which the Draft Planning Agreement Applies

Lot 2 DP 868745 and Lot 501 DP 868102, also known as 16-20 Holbeche Road, Arndell Park

Description of Proposed Development

Proposed construction of three warehouses and ancillary offices, access road, hardstand, landscaping and associated infrastructure as described in DA 19-00907.

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 in the Voluntary Contributions Scheme Precinct.

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
- 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/Subdivision Certificate for the Development.