

Sydney Business Park (Marsden Park Industrial Precinct) Planning Agreement – Second Deed of Variation
Blacktown City Council
Marsden Park Developments Pty Ltd

Appendix

(Clause 8)

Environmental Planning and Assessment Regulation 2021
(Section 203(5))

Explanatory Note

Draft Second Deed of Variation to Marsden Park Industrial Precinct Planning Agreement

Under s203(5)of the *Environmental Planning and Assessment Regulation 2021*

Parties

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

and

Marsden Park Developments Pty Ltd ACN 123 238 282 of 920 Richmond Road, Marsden Park NSW 2765 (Developer)

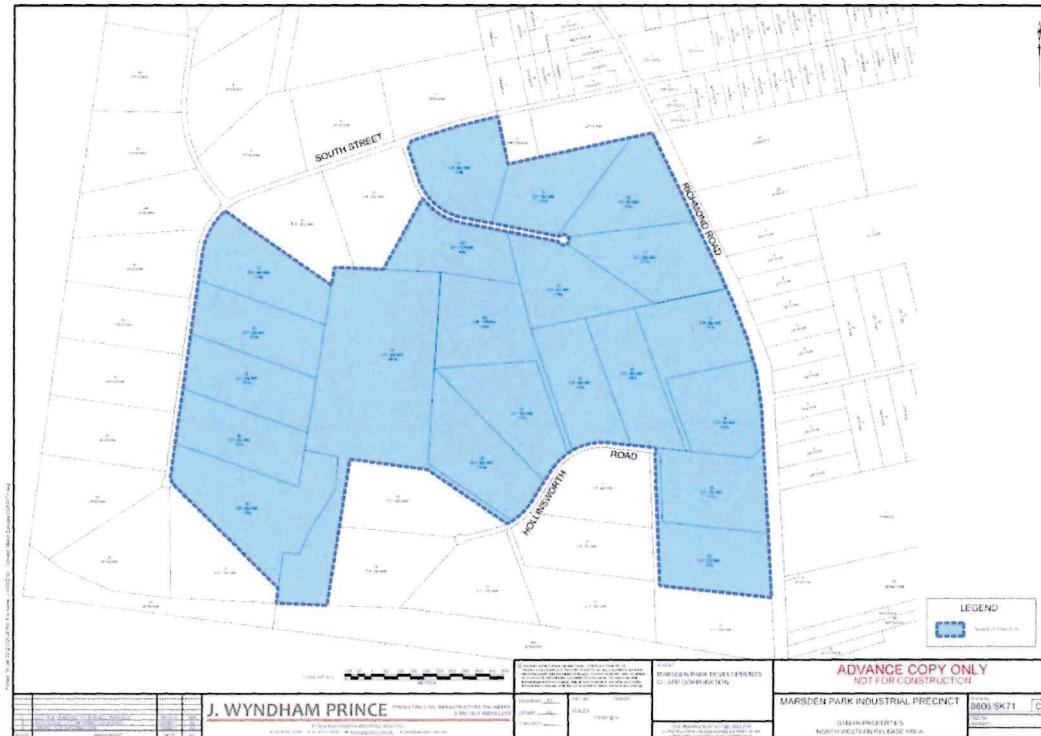
Description of the Land to which the Draft Second Deed of Variation Applies

The Draft Deed of Variation does not change the land to which the Planning Agreement applies, being the following land shown edged heavy dotted blue and shaded blue in the Council's local government area.

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Description of Proposed Development/Instrument Change

The Draft Deed of Variation relates to the same development the subject of the Planning Agreement, being any development on the land that was made permissible under the *Environmental Planning and Assessment Act 1979* by the taking effect of the *State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Marsden Park Industrial Precinct) 2010 (SEPP Amendment)*, being development that was not permissible immediately before the SEPP Amendment took effect.

Without limiting the above, the development includes mixed use business and residential estate, located within the Sydney Business Park.

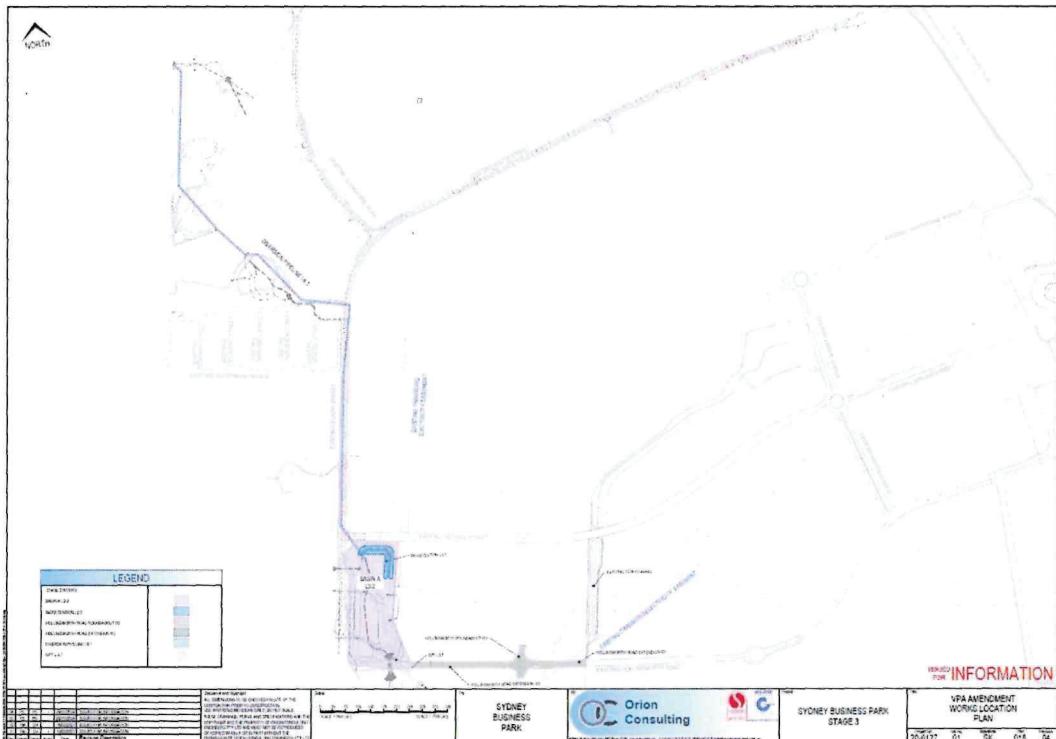
Description of Development Contributions

The Draft Deed of Variation amends the Planning Agreement to include additional works to be carried out by the Developer, including stormwater detention basins, diversion pipelines, a drainage channel and culvert, and a gross pollutant trap, an extension of Hollingsworth Road and a roundabout on Hollingsworth Road in connection with the second and third stages of the development the subject of the Planning Agreement.

The stormwater detention and drainage works related to Little Creek, and the extension of Hollingsworth Road and roundabout are required to be completed before the release of the first occupation certificate in respect of development the subject of development consent to SSD-10477 (being the third stage of the development), or as otherwise agreed between the parties in writing.

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



The Draft Deed of Variation also identifies other contributions for the purposes of stormwater and public road purposes noted as 'Non-VPA Contributions'. These contributions are required to be provided under Development Consents and separate works-in-kind agreements. These items are included in the Planning Agreement for the purposes only of clauses 9 and 10 of the Planning Agreement.

Summary of Objectives, Nature and Effect of the Draft Deed of Variation

Objective, Nature and Effect of Draft Deed of Variation

The Draft Deed is a deed of variation to the Planning Agreement under s203(5) of the *Environmental Planning and Assessment Regulation 2021*.

The objective and effect of the Draft Deed of Variation is to amend the Planning Agreement to amend the name of the Planning Agreement, simplify some of the provisions of the Planning Agreement, and to include additional works to be carried out by the Developer in connection with the third stage of the development.

The additional works added by this Draft Deed of Variation are described above..

Assessment of the Merits of the Draft Deed of Variation

How the Draft Deed of Variation Promotes the Public Interest

The Draft Deed of Variation requires the Developer to provide additional stormwater and traffic infrastructure in connection with the Developer's development. These development contributions are public infrastructure that will serve the Developer's development and the wider community.

The Draft Deed of Variation:

- facilitates the orderly and economic use and development of land by ensuring that stormwater and traffic facilities that serve the development and the wider community are provided,
- promotes good design and amenity of the built environment by requiring the stormwater and traffic facilities 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 of Variation promotes the objects of the Act as set out in s1.3(c), (g) and (j) of the EPA Act.

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

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

All Planning Authorities – Whether the Draft Deed of Variation Conforms with the Authority's Capital Works Program

The Draft Deed of Variation conforms with the Council's capital works program.

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

Yes, the Draft Deed of Variation specifies that some of the additional works are to be completed before the release of the first occupation certificate in respect of development consent to SSD-10477.