

Appendix – Explanatory Note

Explanatory Note

Bungarribee Industrial Estate Draft Voluntary Planning Agreement

1 Introduction

- 1.1 The purposes of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Part 4, Division 6, Subdivision 2 of the *Environmental Planning and Assessment Act 1979* (the **Act**).
- 1.2 This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

2 Parties to the Planning Agreement

- 2.1 The parties to the Planning Agreement are GGGAIF JV No. 3 Pty Limited (ACN 131 830 843) and GGGAIF JV No. 4 Pty Limited (ACN 157 924 662) (together the "**Developer**" and "**Trustees**"), The Trust Company Limited (ACN 004 027 749), The Minister administering the Environmental Planning and Assessment Act 1979 ("**Minister**"), Blacktown City Council (ABN 18 153 831 768) ("**Council**") and Western Sydney Parklands Trust (ABN 85 202 544 800) ("**Parklands Trust**").
- 2.2 The Developer has made an offer to enter into the Planning Agreement in connection with the proposed Bungarribee Estate development.

3 Description of subject land

- 3.1 The draft Planning Agreement applies to the land known as Lots 30, 31, 32 and 33 in DP 1161771, Lot 34 in DP 1169557, Lots 5 and 6 in DP 1127100 (the **Land**).
- 3.2 A plan of the Land is in Schedule 3 to the Planning Agreement.

4 Description of proposed development

- 4.1 The Developer intends to subdivide the Land to create development lots, estate road lots and drainage lots, to construct a new intersection to the Great Western Highway and internal estate roads, to carry out bulk earth works, stormwater management works, cycle path works and associated landscaping works, estate landscaping works and offsite stormwater detention works and to make some modifications to the development design controls.
- 4.2 The Planning Agreement is to be entered into to support:
 - (a) the subdivision of the Land generally in accordance with the concept plan approved by the Minister on 9 December 2006; and
 - (b) the subsequent development of the Land for industrial and ancillary purposes.

5 Summary of objectives, nature and effect of the draft Planning Agreement

- 5.1 The objective of the Planning Agreement is to facilitate the delivery of the certain infrastructure and other works by the Developer required as a result of the carrying out of the Development.

- 5.2 The Planning Agreement is a voluntary planning agreement for the purposes of the Act, under which the Developer will be required to carry out certain public works associated with the development of the Bungarribee Estate.
- 5.3 The Planning Agreement:
- (a) relates to the carrying out by the Developer of the development on the Land generally in accordance with the concept plan approved by the Minister on 9 December 2006;
 - (b) excludes the application of sections 94, 94A and 94EF of the Act to the Development;
 - (c) requires the carrying out of specified Works by the Developer for the purposes of the construction or upgrade of roads, a roundabout, pedestrian and cycle paths and crossings, and a wetland and bioretention landscape feature;
 - (d) requires the dedication by the Developer of specified land on which certain of the works are located to the Council;
 - (e) imposes obligations on the Developer in relation to the carrying out of specified Works, the handing over of those Works to the Council and the rectification of defects in those Works; and
 - (f) requires the Developer to provide a security of the Developer's obligations under the Planning Agreement by way of a Bank Guarantee.
- 5.4 The obligations under the Planning Agreement are required to run with the land. For this reason the Developer is required to register the Planning Agreement on the title to the Land.
- 5.5 No relevant capital works program by the Minister is associated with the Planning Agreement.

6 Assessment of the merits of the Planning Agreement

The Planning Purpose of the Planning Agreement

- 6.1 In accordance with section 93F(2) of the Act, the Planning Agreement promotes the following purposes:
- (a) the provision of public amenities;
 - (b) the provision of infrastructure relating to land; and
 - (c) the conservation or enhancement of the natural environment.
- 6.2 The parties have assessed the Planning Agreement and hold the view that the Planning Agreement provides a reasonable means of achieving the public purposes set out above by ensuring that the Developer will make an appropriate contribution by carrying out certain works.

How the Planning Agreement Promotes the Public Interest

- 6.3 The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure and facilities to satisfy needs that arise as a result of the development of the land.

How the Planning Agreement Promotes the Objects of the Act

- 6.4 The Planning Agreement promotes the objects of the Act by encouraging

- (a) the proper management, development and conservation of natural resources, by the carrying out of the wetland and bioretention works;
- (b) the promotion and co-ordination of the orderly and economic use and development of the Land the subject of the draft Planning Agreement, by the carrying out of road and other works and the wetland and bioretention works;
- (c) the provision of land for public purposes, by dedicating certain land to the Council once works constructed on that land have been completed;
- (d) the provision and co-ordination of community facilities by the carrying out of road and other works and the wetland and bioretention works; and
- (e) the protection of the environment, including the protection and conservation of native animals and plants, by the carrying out of the wetland and bioretention works.

Requirements relating to Construction, Occupation and Subdivision Certificates

- 6.5 The Planning Agreement specifies requirements that must be complied with prior to the issue of a subdivision certificate and requires that each of the works to be carried out under the Planning Agreement be completed by certain times.

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

- 6.6 N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

- 6.7 The Minister for Planning and Infrastructure is constituted under the Act. Therefore paragraph 6.4 satisfies this requirement.

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

- 6.8 The Draft Planning Agreement promotes the elements of the Council's charter by:
- (a) Ensuring that adequate, equitable and appropriate services and facilities are provided for the community and to ensure that those services and facilities are managed efficiently and effectively,
 - (b) keeping the local community and the State government (and through it, the wider community) informed about its activities

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

- 6.9 The Draft Planning Agreement conforms with the Council's Capital Works Program.
- 6.10 N/A in respect of the other Planning Authorities.

7 Use of this explanatory note

This explanatory note is not to be used to assist in construing the Planning Agreement.

