

Explanatory Note

Draft Deed of Variation to and Termination of Homebush Bay Bridge Planning Agreement

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

Parties

Roads and Maritime Services ABN 76 236 371 088 a NSW Government agency and corporation incorporated under section 46 of the *Transport Administration Act 1988* (NSW) of 20 - 44 Ennis Road, Milsons Point, New South Wales 2061 (**RMS**)

and

Fairmead Business Pty Limited ABN 76 069 006 426 of Suite 101, 25 Angas Street, Meadowbank, New South Wales 2114 (**Developer**)

Description of the Land to which the Draft Deed of Variation and Termination Applies

The land formerly known as Lot 3 in Community Plan DP270778 (now known as Lots 5 to 7 in Community Plan DP 270778) and formerly known as Lot 4 in Community Plan DP270778 (now known as Lots 11 to 15 in Community Plan DP270778) at Wentworth Point, New South Wales (**Land**).

Description of Development

Urban development of the Land and Other Land at Wentworth Point with a height or floor space ratio in excess of what could have been achieved before the making of the *Homebush Bay West Development Control Plan 2004 Amendment No 1*.

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

Objectives of Draft Deed of Variation and Termination

The objective of the Draft Deed of Variation and Termination is to vary the Planning Agreement to provide for early termination of that agreement by the Parties and to transfer any outstanding obligations of the Developer under the Planning Agreement and the WAD governing the completion of certain road works into the Further WAD.

Nature of Draft Deed of Variation and Termination

The Draft Deed of Variation and Termination is not a planning agreement.

Effect of the Draft Deed of Variation and Termination

The Draft Deed of Variation and Termination will have the effect of terminating the Planning Agreement following the incorporation of the Developer's outstanding obligations relevant to completion of certain road works into the Further WAD between the Parties.

Assessment of the Merits of the Draft Deed of Variation and Termination

The Planning Purposes Served by the Draft Deed of Variation and Termination

The Draft Deed of Variation and Termination protects the rights and interests of the Parties and the public in ensuring the completion of the remaining road works to be carried out under the Planning Agreement by providing that the Planning Agreement is not terminated until the Further WAD, incorporating appropriate security provisions, is entered into under which those works are required to be carried out on terms similar to the terms of the Planning Agreement.

The termination of the Planning Agreement enables the economic and orderly development of the Land to proceed which in turn involves the provision of community facility under separate planning agreements.

How the Draft Deed of Variation and Termination Promotes the Public Interest

The Draft Deed of Variation and Termination promotes the public interest by enabling the development of the Land to proceed including the provision of further community benefits, whilst ensuring the public interest in completion of the works covered by the Planning Agreement is met.

For Planning Authorities:

Development Corporations - How the Draft Deed of Variation and Termination Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Deed of Variation and Termination Promotes the Objects (if any) of the Act under which it is Constituted

The Draft Deed of Variation and Termination promotes the objects of the *Transport Administration Act 1988* (NSW) by:

- Promoting the integration of the transport system; and
- Facilitating the delivery of transport infrastructure and services.

Councils – How the Draft Deed of Variation and Termination Promotes the Elements of the Council's Charter

N/A

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

N/A

All Planning Authorities – Whether the Draft Deed of Variation and Termination specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Deed of Variation and Termination does not specify that any requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued for the development to which the Planning Agreement relates.
