

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
Mulpha Norwest Pty Limited (ACN 000 004 633)
and
**Norwest Flexi Pty Ltd (ACN 607 435 165) in its capacity
as trustee of the Flexi Trust (ABN 49 958 864 033)**

Introduction

The purpose 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 Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and Mulpha Norwest Pty Limited (ACN 000 004 633) and Norwest Flexi Pty Ltd (ACN 607 435 165) in its capacity as trustee of the Flexi Trust (ABN 49 958 864 033) (together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to the following land -

Lot 700 in Deposited Plan 1198639
Lot 2 in Deposited Plan 1301795
Lot 6053 in Deposited Plan 1140054
Lot 6052 in Deposited Plan 1140054
Lot 6 in Community Plan DP270592
Lot 4 in Community Plan DP270592

known as 2-6, 14 and 20-22 Norbrik Drive and 2 and 33 Circa Boulevard, Bella Vista 2153 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to develop the Subject Land for commercial, business office and retail purposes that will result in the total gross floor area of the buildings on the Land of up to (but not more than) 284,905 square metres that is the subject of one or more Planning Applications (**Proposed Development**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$4,836,000 (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of providing State infrastructure, being the intersection upgrade at Norwest Boulevard, Lexington Drive and Elizabeth Macarthur Drive, Bella Vista (**Road Works**).

The Development Contribution will be payable on or before 31 December 2025 in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a \$100,000 bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Development Contribution towards the Road Works to support the Development.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of Road Works.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of Road Works to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of Road Works will have a positive impact on the public who will ultimately use it.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a subdivision certificate, construction certificate or occupation certificate.