

**Explanatory Note**  
**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)**  
**and**  
**Georges Grounds Pty Limited (ACN 652 536 288)**

**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 Georges Grounds Pty Limited (ACN 652 536 288) (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lot 6017 in Deposited Plan 1107886 known as 12 Norbrik Drive, 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) 16,000 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 \$260,000 (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of providing infrastructure in the locality, within the meaning of clause 7.20 of *The Hills Local Environmental Plan 2019*. This clause, despite its repeal, continues to apply to DA 1356/2023/JP by virtue of clause 4 of *State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023*.

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 \$20,000 bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contribution towards the intersection upgrade at Norwest Boulevard, Lexington Drive and Elizabeth Macarthur Drive, Bella Vista (**Road Works**).

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.