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# Explanatory Note

## Planning Agreement

**28 Yarrunga Street, Prestons NSW 2170**

### **1 Introduction**

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The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (**Regulations**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

### **2 Parties to the Planning Agreement**

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The parties to the Planning Agreement are:

- (1) Liverpool City Council (ABN 84 181 182 471) (**Council**); and
- (2) Muhibbah Construction Pty Ltd (ABN 93 073 412 012) (**Developer**).

### **3 Description of the Land to which the Planning Agreement applies**

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The Planning Agreement applies to the land contained in Lot 2 in DP 536915 known as 28 Yarrunga Street, Prestons NSW 2170 (the **Land**).

### **4 Description of the Development to which the Planning Agreement applies**

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The Planning Agreement relates to the proposed development of the Land as permitted under both DA-904/2019 and DA-904/2019/A including the:

- (1) demolition of existing structures on the Land; and
- (2) construction of a multi-storey warehouse complex on the Land over two (2) stages containing a total of eight (8) warehouse units,

(the **Development**).

### **5 Summary of Contributions, Objectives, Nature and Effect of the Planning Agreement**

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Prior to the issue of an Occupation Certificate in respect of the Development, the Developer must pay a monetary contribution to Council in an amount of \$207,300.00 (the **Contribution**).

The **objective** of the Planning Agreement is to primarily provide benefits for the wider community by facilitating the delivery of the Contribution to community infrastructure in consideration of Council consenting to the Development.

The **nature** of the Planning Agreement is a contractual relationship between the Council, the Developer and the Owners for providing the Contribution.

The **effect** of the Planning Agreement is that the Developer will provide the Contribution in the manner provided for by the Planning Agreement (as applicable).

## **6 Assessment of the Merits of the Planning Agreement and Impact on the Public**

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The Planning Agreement promotes:

- (1) the public interest; and
- (2) the Objects of the Act.

The Planning Agreement will provide certainty for the Developer and the Council as to provision of the Contribution and promote the provision of public amenities and public services.

## **7 Identification of how the Planning Agreement promotes the public interest**

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The Planning Agreement supports the public interest in the following ways:

- (1) By promoting the social and economic welfare of the community and a better environment by the proper management, development and conservation of the community's natural, historical and other resources.
- (2) By facilitating ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- (3) To promote the orderly and economic use and development of land.
- (4) By providing increased opportunity for community participation in environmental planning and assessment.

## **8 How the Planning Agreement promotes the Guiding Principles for Councils**

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The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (2) To act fairly, ethically and without bias in the interests of the local community.
- (3) To recognise diverse local community needs and interests.
- (4) To have regard to the long term and cumulative effects of its decisions on future generations.
- (5) Transparent decision-making and active engagement with local communities, through the use of the integrated planning and reporting framework and other measures
- (6) Providing strong and effective representation, leadership, planning and decision-making.
- (7) Applying the integrated planning and reporting framework in carrying out functions so as to achieve desired outcomes and continuous improvements.
- (8) Working with others to secure appropriate services for local community needs

## **9 Identification of whether the Planning Agreement conforms with the Council's local infrastructure delivery plan**

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[Council to confirm]

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