

Explanatory Note

Draft Voluntary Planning Agreement Planning Proposal (RZ-9/2011) for the redevelopment of New Brighton Golf Course, Nuwarra Road, Moorebank

Introduction

The purpose of this explanatory note is to provide a summary of the exhibited voluntary planning agreement (the “**Planning Agreement**”) prepared under Subdivision 2 of Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979 (“**The Act**”).

The explanatory note has been prepared jointly by the parties as required by Clause 25E of the Environmental Planning and Assessment Regulation 2000.

Parties to the Draft Planning Agreement

The parties to the Planning Agreement are the Mirvac Homes (NSW) Pty Limited (“**Developer**”), New Brighton Golf Club Limited (“**Landowner**”) and Liverpool City Council (“**Council**”).

The Developer and Landowner have made an offer to enter into the Planning Agreement with Council in connection with a Planning Proposal which affects land within the suburbs of Moorebank and Hammondville.

Description of Subject Land

The Planning Agreement applies to the land contained within the Certificate of Title Folio Identifiers:

Lot Description	Address	Zone
Lot 103 in DP 1070029	180 Nuwarra Road Moorebank	RE2 Private Recreation
Lot 52 (part) in DP 717957	Stewart Avenue Hammondville	RE1 Public Recreation
Lot 2210 (part) in DP 1090818	Lot 2210 Stewart Avenue Hammondville	RE2 Private Recreation
Lot 1 in DP 85111	Lot 1 Nuwarra Road Moorebank	RE2 Private Recreation

Description of the Planning Proposal

As a result of the lodgement of a rezoning application by the New Brighton Golf Club, Liverpool City Council has prepared a draft planning proposal to rezone part of the New Brighton Golf Course (NBGC) land at Moorebank from RE2 Private Recreation to R1 General Residential. The planning proposal seeks to facilitate the development of 310 dwellings to be developed by Mirvac Homes NSW. The rezoning also seeks to facilitate the reconfiguration of the golf course on land located south of the M5 Motorway, some of which is Council owned land.

The proposed development generates the need for additional public facilities which is to be facilitated through a Voluntary Planning Agreement (VPA). The planning proposal has been prepared to facilitate the rezoning of parts of the New Brighton Golf Club and Council landholdings for the following purposes:

- Residential development on the elevated western part of the existing golf course, north of the M5 Motorway in Moorebank;
- The re-establishment of the fairways associated with the former Greenwood Golf Course on the southern side of the M5 Motorway in Hammondville;
- The creation of a new public reserve along the Georges River frontage and a pedestrian link to land to the north and west;
- Consolidation of open space and vegetation communities in line with conservation principles.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The Developer, Landowner and Council acknowledge that the proposed amendments to the Liverpool Local Environmental Plan 2008 will likely result in the need for infrastructure upgrades and improvements to the environment including an expanded road network, shared pedestrian and cycle pathways provision of additional open space and regeneration of valuable vegetation. These works do not conform with any applicable Council capital works program.

Further the Developer and Landowner also seeks to dedicate land to Council free of cost to ensure infrastructure and environmentally valuable areas are in the care and control of Council and used or applied towards a public purpose.

The above obligation of the Developer and Landowner will be triggered if rezoning of the land is approved.

Assessment of the Merits of the Draft Planning Agreement

In accordance with Section 93F (2) of the Act, the Planning Agreement promotes the following public purposes:

- (a) the provision of public amenities or public services;
- (b) the provision of infrastructure relating to land;
- (c) the conservation or enhancement of the natural environment; and
- (d) the potential for provision of affordable housing.

The Planning Agreement provides for a reasonable means of achieving provision of those items, by coordinating the dedication of the land and the delivery of land, amenities and infrastructure at an appropriate time during the redevelopment of the subject land. The reasonable staging of the provision works and land will ensure that the viability of development is not unduly compromised and also that the remaining development capacity at any point would be sufficient to justify the delivery of outstanding items.

How the Planning Proposal Promotes the Public Interest

In accordance with the objects of The Act, the Planning Agreement will promote the public interest in the following manner:

- (1) Public ownership (as opposed to a private land owner) will ensure the proper management and conservation of the Georges River Corridor lands and conservation areas.
- (2) The timing of the delivery of land and infrastructure ensures the co-ordination of the orderly and economic use and development of the land within the site.
- (3) The dedication of the open space and environmental conservation land constitutes the provision of land for public purposes, and will

make available for to public access and enjoyment of land that is currently privately owned.

- (4) Public ownership (as opposed to private land ownership) of the environment conservation land will ensure the achievement of environmental outcomes, including the protection and conservation of threatened species. The Planning Agreement also makes provision for the potential regeneration of existing vegetation and replanting of vegetation to restore and enhance the natural environment.
- (5) The Planning Agreement includes all the items which the developer is required to dedicate free of cost.
- (6) The Planning Agreement will not preclude the public being provided with the opportunity for involvement and participation in development assessment. The public are invited to make comment on this Planning Agreement, particularly with regard to the public interest.
- (7) The Planning Agreement provides for the construction of shared bike and pedestrian paths through the site and along the Georges River foreshore.
- (8) The Planning Agreement provides for the establishment of a shared bike and pedestrian paths through Council land connecting to public cycleway network to the west.
- (9) The Planning Agreement provides for the relocation of an off leash Dog Park within Lt. Cantello Reserve.
- (10) The Planning Agreement will provide a shared bike and pedestrian access under the M5 Motorway linking the proposed public reserve to be dedicated with the existing public reserve to the south of the M5 motorway extending public access to the Georges River foreshore.
- (11) The Planning Agreement requires the provision of a Vegetation Management Plan to define the vegetation planting required to offset any significant vegetation lost. This will ensure the development is delivered to the public in an environmentally responsible manner.

How the Planning Agreement promotes the elements of Council's charter

The Planning Agreement will continue to promote a number of elements of the Council's charter under Section 8 of the *Local Government Act 1993*, as follows:

- (1) Public ownership (as opposed to a private land owner) of the Georges River foreshore land will permit Council to exercise community leadership in the management of riparian land.
- (2) The provision of shared bicycle/pedestrian paths under the Planning Agreement would allow Council to exercise its function to provide transport in a manner that is consistent with ecologically sustainable development.
- (3) Taking public ownership of the Georges River foreshore with a management plan in place will permit Council to properly develop, protect, restore, enhance and conserve the environment of the area for which it will then be responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- (4) The Planning Agreement provides that land along Georges River is dedicated and embellished by the Developer, substantially free of weeds and free of contamination that would pose a risk to human

health or the environment, having regard for the long term and cumulative effects of Council's decision to take ownership of the land.

- (5) Taking public ownership of the land adjacent to the Georges River under the agreement is consistent with Council's responsibility as the custodian and trustee of public assets which it must then effectively account for and manage.
- (6) The exhibition of the Planning Agreement facilitates the involvement of members of the public.
- (7) The Planning Agreement enables the provision and embellishment of recreational and transport facilities for local purposes without the need to raise funds by the imposition of rates, charges or fees.
- (8) This explanatory note is prepared for the purposes of keeping the local community and the State government (and through it, the wider community) informed about its activities.
- (9) The Planning Agreement makes it clear that Council has a statutory role as consent authority for development and that the agreement is not intended to unlawfully influence the exercise of its regulatory functions, ensuring that it would act consistently and without bias, particularly where an activity of the council is affected.

Interpretation of the Planning Agreement

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

END.