
Planning Agreement

Explanatory Note

145 Mersey Road, Bringelly of Lot 16 Section 2 DP 2650

1. Introduction

This Explanatory Note has been prepared in accordance with Section 205 of the *Environmental Planning & Assessment Regulation 2021* (NSW).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Planning Agreement**) between the parties under section 7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

1 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Liverpool City Council (**Council**).
- (2) Tanya Borg (**Developer**).

2 Description of the Subject Land

The land to which the Planning Agreement relates is set out in the table below.

Folio Identifier	Location
Lot 16 Sec 2 DP 2650	145 Mersey Road, Bringelly

3 Summary of objects, nature and effect of the Planning Agreement

The offer made by the Developer as set out in the Planning Agreement is largely based on the needs identified by:

- (1) State Environmental Planning Policy (Precincts – Western Parkland City) 2021;

The intent of the Planning Agreement is to ensure that development application DA-116/2022 can be determined for the proposed development located at 145 Mersey Street, Bringelly, when currently no contributions plan is in force for the Western Sydney Aerotropolis Precinct for which the development site is located.

The contributions to be provided by the Developer under the Planning Agreement are described in the table below.

Description of Contributions
The Developer is required to pay a Monetary contribution to Council at a rate of 4.6% of the total cost of works provided under DA-116/2022 and adjusted by any later modifications.

4 Assessment of the merits of the Planning Agreement

4.1 The planning purposes served by the Planning Agreement

In accordance with Section 7.4 of the EPA Act, the Planning Agreement promotes the following public purpose:

- (1) the provision of public amenities and public services; and
- (2) the monitoring of the planning impacts of development of the Land.

4.2 How the Planning Agreement promotes the public interest

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) the proper management, development and conservation of land;
- (2) the promotion and co-ordination of the orderly and economic use and development of land; and
- (3) the Planning Agreement will not preclude the public being provided with the opportunity for involvement and participation in development assessment. The public have been provided the opportunity to be involved with the development assessment and are invited to make comment on the Planning Agreement, particularly with regard to the public interest.

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

The Planning Agreement promotes a number of elements of Council's Charter under section 8 of the *Local Government Act 1993* (NSW), as follows:

- (1) the exhibition of the Planning Agreement facilitates the involvement of members of the public, while council staff were involved in the development of the Planning Agreement;
 - (2) 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; and
 - (3) the Planning Agreement makes it clear that Council has a statutory role as consent authority for development and that the Planning Agreement is not intended to unlawfully influence the exercise of its regulatory functions, ensuring that Council will act consistently and without bias, particularly where an activity of the Council is affected.
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