

Explanatory Note

Draft Planning Agreement for Planning Proposal RZ-3/2011 – Munday Street Warwick Farm

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 Australian Turf Club (“**Developer**”) and Liverpool City Council (“**Council**”).

The Developer has made an offer to enter into the Planning Agreement with the Council in connection with a planning proposal within the suburb of Warwick Farm.

Description of Subject Land

The planning proposal and Planning Agreement applies to Lot 1 DP 1040353 which is bounded by Munday Street, Governor Macquarie Drive, Hume Highway, Warwick Street and Manning Street.

The subject land is currently zoned RE2 Private Recreation and R2 Low Density.

Description of the Planning Proposal

The Developer has lodged a planning proposal (being RZ-3/2011) for the subject land at Munday Street Warwick Farm. The planning proposal is currently being assessed by Liverpool City Council.

The planning proposal seeks an amendment to the Liverpool Local Environmental Plan 2008 to facilitate development on the subject land at Munday Street, Warwick Farm. The planning proposal seeks to rezone Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development. The effect of the rezoning of the subject land would be to permit on the subject land, with development consent, development for:

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscape and garden supplies; Landscaping material supplies; Light industries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants; Roads; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres.

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

The objective of the Planning Agreement is to ensure the appropriate road improvements are undertaken and agreed land dedicated to Council by the Developer as a result of the rezoning and redevelopment of the subject land Lot 1 DP 1040353.

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 purpose:

- (a) the provision of public amenities or public services,
- (b) the provision of infrastructure relating to land.

The Planning Agreement provides for a reasonable means of achieving provision of those items, by coordinating the dedication of the land and completion of road improvements 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 outstanding items.

How the Planning Proposal Promotes the Public Interest

The planning agreement promotes the public interest by ensuring appropriate road infrastructure is provided to satisfy the increase in demand that arises from any proposed development of the subject land.

Promotion of the Objects of the Act

By providing the appropriate infrastructure upgrades, the planning agreement promotes the following object of the Act.

- The promotion and co-ordination of the orderly and economic use and development of the subject land (section 5(1)(a)(ii) of the Act).

The dedication of land and the infrastructure upgrades made under this Planning Agreement promote this object by allowing the subject land to be appropriately developed.

Interpretation of the Planning Agreement

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

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