

# **Proposed Planning Agreement**

## **Minister for Planning and Infrastructure and Jacfin Pty Ltd**

### **Explanatory Note**

#### **Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed 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**").

This 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 Planning Agreement**

The parties to the Planning Agreement are Jacfin Pty Ltd (the "**Developer**") and the Minister for Planning and Infrastructure ("**Minister**").

The Developer owns and intends to develop certain land within the Western Sydney Employment Area. The Developer made a development application to Blacktown City Council (**Council**) under Part 4 of the Act (DA 12-1631). The Council determined the application by approving it on 13 November 2012. The Developer has made an offer to enter into the Planning Agreement in connection with that application.

#### **Description of the Subject Land**

The Planning Agreement applies to the part of Lot 11 DP 1157491 comprising 2.793 hectares and identified as Lot 1101 on the plan attached the Planning Agreement and marked Annexure A (the "**Land**"). The Land is located off Old Wallgrove Road in the Blacktown City Local Government Area.

#### **Description of the Proposed Development**

The Developer lodged a development application (being DA 12-1631), which was approved by the Council on 13 November 2012, for construction of a new warehouse and office development with associated services, parking and landscaping works in the Western Sydney Employment Area ("**Proposed Development**").

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

The Planning Agreement provides that the Developer will make monetary contribution of \$442,740. This has been calculated on the basis of \$180,000 per hectare of net developable area (subject to indexation) for 2.793 hectares and includes a credit of \$60,000 for extra contributions paid by the Developer in respect of their development of Stage 2 Subdivision at Eastern Creek.

The monetary contribution will be payable upon execution of the Planning Agreement as set out in Schedule 4 to the Planning Agreement.

The Planning Agreement is not required to be registered on title.

While the Minister has no obligation to use or expend the monetary contribution for a particular purpose, the objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in accordance with clause 29 of *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

No relevant capital works program by the Minister is associated with this agreement.

## **Assessment of the Merits of the Planning Agreement**

### The Planning Purpose of the Planning Agreement

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services.

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 appropriate contributions towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

### 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 regional transport infrastructure and services to satisfy needs that arise from development of the Land.

### How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion and co-ordination of the orderly and economic use and development of land; and
- the provision of land for public purposes.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

### Requirements relating to Construction Certificates and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate, an occupation certificate or a subdivision certificate.

## **Interpretation of Planning Agreement**

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