

Draft 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 "**Landowner**") and the Minister for Planning and Infrastructure ("**Minister**").

The Landowner owns and intends to develop certain land within the Western Sydney Employment Area. The Landowner has made a concept plan application (MP10_0127) and a project application (MP10_0128) to the Director-General of the Department of Planning and Infrastructure under Part 3A of the Act. The Landowner has made an offer to enter into the Planning Agreement in connection with the project application but the planning agreement will apply to the land the subject of the concept plan application (the "**Land**").

Description of the Subject Land

The Land is Lot 12 DP 1157491 and is located off Old Wallgrove Road in the Blacktown City Local Government Area.

Description of the Proposed Development

The concept plan application is for an industrial and employment park and associated infrastructure on 105 hectares of land in the Ropes Creek Precinct of the Western Sydney Employment Area ("**Proposed Development**"). The Proposed Development is currently proposed to be developed over 5 stages. The project application (for Stage 1) involves the subdivision of the Land and the development of two warehouse and distribution facilities and associated infrastructure.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Landowner will make monetary contributions of \$180,000 per hectare of net developable area (subject to indexation).

The monetary contribution will be payable in stages and will be calculated by reference to the net developable area of the Land to which each Planning Application relates. The requirements for the timing of the payments are set out in Schedule 4 to the Planning Agreement.

The Planning Agreement is required to be registered on title.

To secure the obligation to provide the monetary contribution the Landowner has agreed to provide Bank Guarantees to the Minister.

The Planning Agreement also contemplates amendments to the Agreement to allow the Landowner to provide works in kind or to dedicate land in lieu of its obligation to pay all or part of the monetary contribution.

The objective of the Planning Agreement is to facilitate the delivery of the Landowner's contributions towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

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 Landowner 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 Landowner 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 Landowner to make a contribution towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

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

Requirements relating to Construction, Occupation and Subdivision Certificates

The following requirements are required to be complied with under the Planning Agreement:

- The relevant development contribution must be paid prior to the issue of a construction certificate for Planning Applications where only a construction certificate is required.

- The relevant development contribution must be paid prior to the issue of the subdivision certificate, for Planning Applications which require both a construction certificate and a subdivision certificate or a subdivision certificate only.

(See clause 2 of Schedule 4 to the Planning Agreement)

There are no provisions of the Planning Agreement that require complying with prior to the issue of an occupation certificate.

Interpretation of Planning Agreement

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