

Explanatory Note
Minister for Planning and Jacfin Pty Ltd
Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft 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* (the **Regulation**).

Parties to the Planning Agreement

The parties to the Planning Agreement are Jacfin Pty Ltd (ACN 000 967 902) (the **Developer**) and the Minister for Planning (the **Minister**).

Description of the Subject Land

The Planning Agreement applies to the land described in Schedule 3 of the Planning Agreement, being that part of Lot 20 in Deposited Plan 1206129 located at Old Wallgrove Road, Eastern Creek which is shown hatched on the plan at Annexure A of the Planning Agreement (the **Subject Land**).

Description of the Proposed Development

The Developer is seeking to construct a road connecting to the intersection of Old Wallgrove Road with the Erskine Park Link Road, subdivide the road lot and transfer ownership of the road lot to Blacktown City Council in accordance with Development Application No 14-2462 (**Proposed Development**).

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$182,898 per hectare of net developable area of the Subject Land (subject to indexation in accordance with the Planning Agreement) in connection with the Proposed Development for the purpose of making satisfactory arrangements to contribute to the provision of regional transport infrastructure and services within the meaning of clause 29 of *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (**WSEA SEPP**).

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contribution towards the provision of regional transport infrastructure within the meaning of clause 29 of the WSEA SEPP.

The monetary contribution will be paid by the Developer prior to the issue of a subdivision certificate for the Development.

The Developer is required to provide a Bank Guarantee for \$148,458 on execution of the agreement.

Assessment of Merits of Planning Agreement

The Planning Purpose of the Agreement

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

- the provision of (or 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.

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 Subject 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.

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.

The Developer's offer to contribute towards the provision of regional transport infrastructure and services will have a positive public impact as funds from the Developer will be available towards the provision of regional transport infrastructure and services referred to in clause 29 of the WSEA SEPP.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement requires payment of the monetary contribution prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 109J(1)(c1) of the Regulation.

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