

Draft Planning Agreement
Minister for Planning 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 (**Planning Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

Words appearing with initial capital letters in this note have the meanings given to them in this note or (if not defined in this note) in the Planning Agreement.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister for Planning (**Minister**) and Jacfin Pty Ltd as trustee for Jacquelyn Waterhouse Family Trust No. 2 (**Landowner**).

The Landowner owns Lot 11 DP229784 (**Development Land**) in Erskine Park.

The Landowner holds project approval 07_0153 for a warehouse development (**Project Approval**) for the Development Land.

The Landowner obtained the Project Approval on 28 October 2009. The Project Approval contains biodiversity conditions (**Biodiversity Conditions**) which require the Landowner to provide certain biodiversity offsets including the conservation of 7 hectares of land adjacent to Ropes Creek (**Offset Land**).

The Landowner has lodged an application under section 75W of the Act to amend the Project Approval to remove the Biodiversity Conditions and has offered to enter into the Planning Agreement to provide for the provision of the Development Contributions to satisfy the requirements of Biodiversity Conditions.

Purpose of the Planning Agreement

The purpose of the Planning Agreement is to provide for the making of the Development Contributions by the Landowner to enable the Biodiversity Conditions to be removed from the Project Approval.

The Landowner has offered to enter into the Planning Agreement with the Minister to provide for and secure the Development Contributions.

Description of the Subject Land

The Planning Agreement applies to Lots 53 and 54 DP 1194410 (ie. the Ropes Creek Land). The Offset Land comprises most of Lot 53 DP 1194410.

The Ropes Creek Land is located at Ropes Creek Industrial Estate, Erskine Park, in the Blacktown Local Government Area.

Description of the Proposed Development

The Project Approval approves a warehouse and office development on the Development Land.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Landowner will make a monetary contribution to the Minister of \$2,255,290 payable on execution of the Planning Agreement.

The Planning Agreement also provides that the Landowner will dedicate the Offset Land to the Minister or a Nominated Transferee. The Landowner must also provide the Minister or the Nominated Transferee with suitable access to the Offset Land through the registration of an Easement over part of the Ropes Creek Land.

The Planning Agreement is required to be registered on title to the Offset Land (or whichever parcel of land includes the Offset Land) until the Offset Land is dedicated to the Minister.

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 establishment and enhancement on the Offset Land of vegetation that is endemic to the Ropes Creek Corridor.

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 conservation or enhancement of the natural environment.

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 establishment and enhancement of vegetation that is endemic to the Ropes Creek Corridor.

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 establishment and enhancement on the Offset Land of vegetation that is endemic to the Ropes Creek Corridor.

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 protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

The Planning Agreement promotes the objects of the Act set out above by requiring the Landowner to make a contribution towards the establishment and enhancement on the Offset Land of vegetation that is endemic to the Ropes Creek Corridor.

The Landowner's offer to contribute towards the establishment and enhancement on the Offset Land of vegetation that is endemic to the Ropes Creek Corridor will have a positive public impact as funds from the Landowner will be available towards the establishment and enhancement of vegetation that is endemic to the Ropes Creek Corridor.

Interpretation of Planning Agreement

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

