

Explanatory Note

Minister for Planning

and

Australand Industrial No 26 Pty Ltd (ACN 099 716 186)

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 Australand Industrial No 26 Pty Ltd (ACN 099 716 186) (the **Developer**) and the Minister for Planning (the **Minister**).

Description of the Subject Land

The Planning Agreement applies to Lot 2202 in Deposited Plan 1097247 (the **Subject Land**) and makes reference to the Blacktown Road Infrastructure Land and the Existing VPA Land (the **Other Land**).

The Subject Land is located at 13 Wonderland Drive, Eastern Creek.

Description of the Proposed Development

The Developer is seeking approval for subdivision of the Subject Land over two stages generally in accordance with three different Development Applications which have been lodged with Blacktown City Council (the **Proposed Development**).

Under DA 16-03852, stage one is the creation of a road lot, industrial lot and residue lot, and stage two is the creation of an industrial lot and drainage reserve lot.

Under DA 16-04294, a new industrial building is proposed on the “Existing VPA Land”.

Under DA 16-04295, the construction of a road is being proposed.

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the 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 \$185,284 per hectare of Net Developable Area (subject to indexation in accordance with the Planning Agreement) for the purposes of the provision of regional transport infrastructure and services within the meaning of clause 29 of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (the **SEPP**).

The monetary contribution will be payable prior to the commencement of construction of the building/s on the relevant allotment of the Subject Land following the issue of a Construction Certificate. The requirement for the timing of the payment is set out in Schedule 4 to the Planning Agreement.

The Developer is required to provide a Bank Guarantee and register the Planning Agreement on the title to the Subject Land in accordance with section 93H of the Act.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of infrastructure, facilities and services referred to in clause 29 of the SEPP.

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

Assessment of Merits of 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 regional transport infrastructure and 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 infrastructure, facilities and services referred to in clause 29 of the SEPP.

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 infrastructure, facilities 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 infrastructure, facilities and services referred to in clause 29 of the SEPP.

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 infrastructure, facilities and services referred to in clause 29 of the SEPP.

Requirements relating to Construction, Occupation and Subdivision Certificates

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