

Explanatory Note
Minister for Planning ABN 38 755 709 681
and
GPT RE Limited ACN 107 426 504
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 (**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 (**Regulation**).

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister for Planning ABN 38 755 709 681 (**Minister**) and GPT RE Limited (ACN 107 426 504) as trustee for the General Property Trust (ABN 58071 755 609) (**Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 21 in Deposited Plan 1206129 known as Lot 21 Old Wallgrove Road, Eastern Creek NSW 2766 (**Land**).

Description of the Proposed Development

The Developer is seeking to develop the Land for the use of a warehouse and logistics facility, with warehousing, ancillary offices, loading areas, car parking and landscaping generally in accordance with Development Application No. DA-16-05259 which has been lodged with Blacktown City Council (**Proposed Development**). 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 designated State public infrastructure within the meaning of clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (**SEPP**).

The monetary contribution for the Proposed Development will be payable:

- (i) before any Construction Certificate or Complying Development Certificate is issued for any part of the Proposed Development; or
- (ii) if any part of the Proposed Development is to be carried out without the need for a Construction Certificate or a Complying Development Certificate, then both;
 - (A) before that part of the Proposed Development is commenced; and

- (B) before any application for a Construction Certificate or Complying Development Certificate is made in respect of that part of the Proposed Development.

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 referred to in clause 29 of the SEPP. No relevant capital works program by the Minister is associated with the Planning 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 (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 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 the 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.”

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 State infrastructure 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 requires the Development Contribution to be paid prior to the issue of a Construction Certificate and therefore contains a restriction on the issue of a Construction Certificate for the purposes of section 109F of the Act.

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a Subdivision Certificate or Occupation Certificate.