

Explanatory Note

Minister for Planning and Public Spaces ABN 20 770 707 468

and

ISPT Pty Ltd (ACN 064 041 283) in its capacity as Trustee of ISPT Industrial Estate Trust (Greystanes NSW)

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 7.1 of Part 7 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 the Minister for Planning and Public Spaces ABN 20 770 707 468 (the **Minister**) and **ISPT Pty Ltd** (ACN 064 041 283) in its capacity as Trustee of ISPT Industrial Estate Trust (Greystanes NSW) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 107 of Deposited Plan 1028208; and
- Lot 63 of Deposited Plan 752051,

known as 44 Clunies Ross Street, Pemulwuy (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to construct seven industrial warehousing buildings with a combined gross floor area (GFA) of 87,501 m², ancillary offices with a combined GFA of 7,992 m² and hardstand/car parking areas on a terraced landform, as well as a small café, and landscaping works, generally in accordance with State significant development application SSD-10399 (**Proposed Development**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development on the Subject Land.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$200,113.64 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 *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (**SEPP**).

The monetary contribution will be payable on execution of the Planning Agreement in accordance with clause 4 of the Planning Agreement.

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 (including the Erskine Park Link Road) referred to in clause 29 of the SEPP in relation to the land to which the SEPP applies.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 7.4(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 provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

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 (including the Erskine Park Link Road) referred to in clause 29 of the SEPP in relation to the land to which the SEPP applies.

How the Planning Agreement Promotes the Public Interest and Objects of the Act

The Planning Agreement promotes the public interest and objects of the Act by encouraging:

- the promotion of the orderly and economic use and development of land by facilitating the development of the Subject Land in accordance with the Planning Agreement;
- the promotion of good design and amenity of the build environment;
- the promotion of the sharing of responsibility for environmental planning and assessment between the different levels of government in the State; and
- the provision of increased opportunity for community participation in environmental planning and assessment

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact on the public who will ultimately use the infrastructure and services.

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, a subdivision certificate or an occupation certificate.