

Explanatory Note

Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)

and

Western Parkland City Authority (ABN 84 369 219 084)

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 having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (the **Minister**) and Western Parkland City Authority (ABN 84 369 219 084) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to that part of Lot 101 in Deposited Plan 1282949 as shown in red on the plan in Annexure A to the Planning Agreement, known as 215 Badgerys Creek Road, Bringelly 2556 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to construct, fit out and use an advanced manufacturing research and development facility, and carry out associated works (including site preparation works, site access and parking, utilities infrastructure, landscaping and public domain, signage and other ancillary works) on the Land, generally in accordance with the plan in Schedule 5 to the Planning Agreement and Development Application SSD 25452459 lodged with the Department of Planning and Environment (**Proposed Development**).

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution that is to be calculated in accordance with:

- if a contributions plan is in force and applies to the Subject Land at the date the monetary contribution is due, that contributions plan; or
- if no contributions plan is in force and applies to the Subject Land, a levy of 6.5% of the cost of carrying out the Proposed Development,

subject to indexation in accordance with the Planning Agreement (**Development Contribution**), for the purposes of public amenities and public services to be provided in the

relevant local government area, being public amenities and public services identified in the draft Aerotropolis Contributions Plan or those that may be identified in a contributions plan for the local government area when approved.

The Development Contribution is required to be paid (under Schedule 4 to the Planning Agreement) on the earlier of:

- within 24 months from the commencement of the Planning Agreement; and
- before the issue of the first occupation certificate for the first building erected as part of the Proposed Development.

The Developer is not required to provide a bank guarantee.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards public amenities and public services to be provided in the local government area.

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 public purpose of the Planning Agreement is the recoupment of the cost of providing public amenities and 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 an appropriate contribution towards the provision of public amenities and public services in the local government area concerned.

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 amenities and services to satisfy needs that arise from development of the Subject Land.

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

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement requires the Development Contribution to be paid prior to the issue of the first occupation certificate for the first building erected, within the first 2 years of the Agreement commencing, as part of the Proposed Development, and therefore contains a restriction on the issue of an occupation certificate within the meaning of section 48 of [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).

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