

**Proposed Planning Agreement**  
**Minister for Planning and Infrastructure and**  
**ACN 114 843 453 Pty Ltd, ThaQuarry Pty Ltd and Alexandria Landfill**  
**Pty Ltd**  
**Eastern Creek Waste Project**  
**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 (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*.

**Parties to the Planning Agreement**

The parties to the Planning Agreement are ACN 114 843 453 Pty Ltd as trustee for the Eastern Creek Land Trust and ThaQuarry Pty Ltd as trustee for the ThaQuarry Unit Trust (together the “**Developer**”), the Minister for Planning and Infrastructure (“**Minister**”) and Alexandria Landfill Pty Ltd (the “**Guarantor**”).

The Developer has a project approval (MP06\_0139) to construct and operate a resource recovery and non-putrescible landfill facility. The project approval has a condition (condition 50) that required the Developer to enter into a Planning Agreement to make a contribution towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

The Developer has made an offer to enter into the Planning Agreement in connection with the project application.

**Description of the Subject Land**

The Land is Lot 1 DP 1145808 and Lot 4 DP 1145808 and is located at the former Pioneer Quarry site at Eastern Creek in the Blacktown City Local Government Area.

**Description of the Development**

The project approval is for the following development:

- a waste recovery facility for recycling building and greenwaste;
- rehabilitation of the quarry void via a (non-putrescible) landfill;
- a total throughput of up to 2 million tonnes of materials at the site per calendar year;
- landfilling of up to 700,000 tonnes of non-putrescible waste (including special (asbestos) waste);
- stockpiling of up to 50 tonnes of tyres on site at any one time; and
- stockpiling of up to 20,000 tonnes of greenwaste on site at any one time.

## **Summary of Objectives, Nature and Effect of the Planning Agreement**

The Planning Agreement provides that the Developer will make monetary contributions on the basis of the Land areas in the deposited plan at the rate of \$150,000 per hectare.

The monetary contribution will be payable in instalments from the date that waste is first received on the Land for the purpose of a resource recovery and non-putrescible landfill facility or 30 June 2012 whichever is the earlier. The amount of the instalments and the requirements for the timing of the payments are set out in Schedule 4 to the Planning Agreement.

The Planning Agreement is required to be registered on title.

To secure the obligation to provide the monetary contribution the Guarantor has agreed to provide Bank Guarantees to the Minister. The requirements relating to the provision of Bank Guarantees are set out in Schedule 5 to 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 Network).

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

## **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 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 regional transport infrastructure and services (including the Erskine Park Link Road Network).

### 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 regional transport infrastructure and services to satisfy needs that arise from 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; and
- the provision of land for public purposes.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network).

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 regional transport infrastructure and services (including the Erskine Park Link Road Network).

#### 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, an occupation certificate or a subdivision certificate.

#### **Interpretation of Planning Agreement**

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