

Explanatory Note

Draft Deed of Amendment to Planning Agreement

Minister for Planning

and

Lensworth Glenmore Park Limited, Mulpha Norwest Pty Limited, Holicombe Pty. Limited in its capacity as trustee of the Wearn Quarry Trust, Assunta Vianello, and Mint Holdings Pty Limited

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft deed of amendment (**Deed of Amendment**) to the planning agreement prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the **Act**) between the Minister for Planning (ABN 38 755 709 681), Lensworth Glenmore Park Limited (ABN 59 007 533 888), Mulpha FKP Pty Limited (ABN 27 000 004 633) trading as Norwest Land, Holicombe Pty. Limited in its capacity as trustee of the Wearn Quarry Trust (ABN 76 691 030 709), Sergio and Assunta Vianello (ABN 27 709 051 547) and Mint Holdings Pty Limited (ABN 20 002 055 165) (**Planning Agreement**).

This explanatory note has been prepared jointly by the parties to the Deed of Amendment as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

Parties to the Deed of Amendment

The parties to the Deed of Amendment are the Minister for Planning (ABN 38 755 709 681) (**Minister**), Lensworth Glenmore Park Limited (ABN 59 007 533 888), Mulpha Norwest Pty Limited (ABN 27 000 004 633), Holicombe Pty. Limited in its capacity as trustee of the Wearn Quarry Trust (ABN 76 691 030 709), Assunta Vianello (ABN 27 709 051 547), and Mint Holdings Pty Limited (ABN 20 002 055 165) (together, the **Landowners**).

The Planning Agreement was entered into in connection with:

- the proposed amendment to the *Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009 (LEP)*
- the development of the Land.

Description of the Land

The Planning Agreement applied to the following land:

- Part of Lot 8832 in DP 1109846;
- Lot 1 in DP 541090;
- Part of Lot 1 in DP 224861;
- Part of Lot 4 in DP 226490;
- Part of Lot 2 in DP 541090; and
- Lot 1 in DP 222144.

The Deed of Amendment varies the terms of the Planning Agreement so that the Planning Agreement will apply to:

- Lot 477 in DP 1194364;
- Lot 557 in DP 1194365;
- Part of Lot 1 in DP 224861;
- Part of Lot 4 in DP 226490;
- Lot 138 in DP 1197703;
- Lot 3090 in DP 1165175; and
- Lot 64 in DP 1180358,

(“Land”).

Description of the Development

The Development involves the development of the Land for residential purposes with details set out in the definition of “Development” in the Planning Agreement.

Summary of Objectives, Nature and Effect of the Deed of Amendment

The Deed of Amendment provides for (among other things):

- the removal of Sergio Vianello as a party to the Planning Agreement as that party is deceased;
- amending the name of “Mulpha FKP Pty Limited trading as Norwest Land” to “Mulpha Norwest Pty Limited”;
- updating the definition of “Road Works”;
- amending the description of the land to which the Planning Agreement applies; and
- reducing the quantum of the Road Contribution to be paid by each of the Landowners and the method by which each instalment for the payment of the Road Contribution is to be calculated.

The reduction to the amount of the Road Contribution required to be paid by the Landowners will not affect the provision of road infrastructure to the area.

Assessment of the Merits of the Planning Agreement as amended

The Planning Agreement as amended by the Deed of Amendment satisfies the objective of making provision for infrastructure to meet certain demands created by the Development and to ensure that existing communities do not bear those costs.

The Planning Purpose of the Planning Agreement as amended

In accordance with section 93F(2) of the Act, the Planning Agreement as amended has the following public purposes:

- the provision of (or the recoupment of the cost of providing) public amenities or public services; and
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Landowners have assessed the Planning Agreement and Deed of Amendment and hold the view that the provisions of the Planning Agreement as amended provide a reasonable means of achieving the public purposes set out above.

How the Planning Agreement as amended Promotes the Public Interest

The Planning Agreement as amended 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 Land.

How the Planning Agreement as amended Promotes the Objects of the Act

The Planning Agreement as amended promotes the following objects of the Act:

- 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 as amended promotes the objects of the Act set out above by requiring the Landowners to make contributions for the purpose of providing State infrastructure. This purpose represents an important public benefit and the Landowners' offer to contribute towards this purpose will provide an important positive impact on the public who use the infrastructure and services to which these purposes relate.

How the Planning Agreement as amended conforms with the Minister's Capital Works Program

The Minister has no relevant capital works program.

Requirements relating to Construction, Occupation and Subdivision Certificates

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

Interpretation of Planning Agreement and Deed of Amendment

This Explanatory Note is not to be used to assist in construing the terms of the Planning Agreement or the Deed of Amendment.