

## Explanatory Note

**Minister for Planning, L A Kennett Enterprises Pty Ltd (ACN 001 587 588) trading as Glenfield Waste Services, Figela Pty Ltd (ACN 003 179 986), J.C. & F.W. Kennett Pty Ltd (ACN 000 346 216) and Helen Louise Kennett**

## 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 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* (the **Regulation**).

### Parties to the Planning Agreement

The parties to the Planning Agreement are L A Kennett Enterprises Pty Ltd (ACN 001 587 588) trading as Glenfield Waste Services (the **Developer**), Figela Pty Ltd (ACN 003 179 986), J.C. & F.W. Kennett Pty Ltd (ACN 000 346 216) and Helen Louise Kennett (together, the **Landowners**) and the Minister for Planning (the **Minister**).

### Description of the Subject Land

The Planning Agreement applies to Lot 3 in DP 736881, Lot 3 in DP 735524, Lot 103 in DP 1143827, Lot 1 in DP 113201, Lot 2 in DP 333578, Lot 91 in DP 1155962, Lot 104 in DP 1143827 and Lot 5 in DP 833516 known as 2 Cambridge Avenue, Glenfield (the **Land**).

The Land is owned by the Landowners.

### Description of the Proposed Development

The Developer is seeking development consent to develop a materials recycling facility and associated infrastructure on the Land and the subdivision of the Land (**Proposed Development**) and 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 and the Landowners will make a development contribution by way of the dedication of approximately 10.575 hectares of land to the Minister for the purpose of public passive recreation (**Development Contribution**). The Developer will do so by first subdividing the Land to create the parcels of land to be dedicated.

The Developer is required to provide security in the form of a \$100,000.00 bank guarantee and register the Planning Agreement on the title to the Land in accordance with section 93H of the Act.

The objective of the Planning Agreement is to facilitate Developer's the delivery of the Development Contribution.

No relevant capital works program by the Minister is associated with this 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; and
- the conservation and enhancement of the natural environment.

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 the Development Contribution.

### **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 development of the Land.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the following objects of the Act to encourage:

- (i) section 5(a)(i) - "proper management, development and conservation of natural and artificial resources, including...natural areas.... for the purpose of promoting the social and economic welfare of the community and a better environment";
- (ii) section 5(a)(iv) - "the provision of land for public purposes";
- (iii) section 5(a)(vi) - "the protection of the environment"; and
- (iv) section 5(a)(vii) - "ecologically sustainable development".

### **Requirements relating to Construction, Occupation and Subdivision Certificates**

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