

Explanatory Note
Minister administering the *National Parks and Wildlife Act 1974*
(ABN 20 770 707 468)
and
Land Specialists Pty Ltd (ACN 606 318 076)
and
Roger Mark Davies
and
Grant Stephen Davies
and
East Cessnock Recycling Pty Ltd (ACN 074 095 524)
and
Land Specialists Estates NSW Pty Ltd (ACN 642 515 320)
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 *National Parks and Wildlife Act 1974* (ABN 20 770 707 468) (the **Minister**) and the following **Developer** entities:

- Land Specialists Pty Ltd (ACN 606 318 076);
- Roger Mark Davies;
- Grant Stephen Davies
- East Cessnock Recycling Pty Ltd (ACN 074 095 524); and
- Land Specialists Estates NSW Pty Ltd (ACN 642 515 320).

Description of the Subject Land

The Planning Agreement applies to Lot 35 in Deposited Plan 1288491 known as 35 Government Road, Cessnock 2325 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into approximately 328 residential lots and one (1) lot for drainage reserve and provide associated infrastructure, generally in accordance with Development Application 8/2021/21939/1 or another Development Application lodged with Cessnock City Council (**Proposed Development**). The Developer 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 objective of the Planning Agreement is to offset the effects of the Proposed Development by facilitating:

- the dedication or transfer of Lots 5 and 33 in Deposited Plan 755268 (**Offset Land**) to the Minister to add to the Yengo National Park;
- the payment of a monetary contribution of \$50,000 (subject to indexation in accordance with the Planning Agreement) for the purposes of maintaining the Offset Land, once incorporated within the Yengo National Park,

(together, the **Development Contribution**).

The Development Contribution is to be provided prior to the issue of the first Subdivision Works Certificate for the Proposed Development in accordance with Schedule 4 and Schedule 5 to the Planning Agreement.

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 conservation or 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 threatened and other species of native animals and plants, ecological communities and their habitats within the Yengo National Park are protected.

How the Planning Agreement Promotes the Public Interest

By facilitating the dedication or transfer of the Offset Land and payment of a monetary contribution to the Minister, the Planning Agreement also promotes the public interest by enabling land to be added to a national park and continued maintenance of that land.

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.