

Environmental Planning and Assessment Regulation 2021 (Clause 205)

Explanatory Note

Voluntary Planning Agreement – 275 Adams Road, Luddenham – SSDA 10446

Draft Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft Voluntary Planning Agreement (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*. The draft Planning Agreement includes contributions for works associated with the carrying out of State significant development application SSSDA 10446.

This Explanatory Note has been prepared jointly between the parties in accordance with clause 205 of the Environmental Planning and Assessment Regulation 2021 (Regulation).

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

Parties

Liverpool City Council (ABN 84 181 182 471) Ground Floor, 33 Moore Street, Liverpool 2170 (**Council**).

CFT No 13 Pty Limited atf Coombes Family Trust No 13 (ABN 32 528 255 331), Level 5, 2 Grosvenor Street, Bondi Junction NSW 2022 (**Developer**).

Description of the Land to which the Draft Planning Agreement Applies

The draft Planning Agreement applies to the following lot:

275 Adams Road, Luddenham 2745 NSW, Lot 3 DP 623799 (Development Site).

Description of Proposed Development Application

It is proposed to pay a monetary contribution to be applied towards a Public Purpose in respect of development the subject of State significant development application SSD-10446

Summary of Objectives, Nature and Effect of the Draft Planning

Objectives of Draft Planning Agreement

The objective of the draft Planning Agreement is to provide Council with a monetary contribution to be put towards a Public Purpose.

Nature of Draft Planning Agreement

The draft Planning Agreement is a planning agreement under s 7.4(1)(b) of the *Environmental Planning and Assessment Act 1979 (Act)*. The draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1 of the draft Planning Agreement) are made by the Developer for various public purposes (as defined in s7.4(2) of the Act).

Effect of the Draft Planning Agreement

The draft Planning Agreement:

- relates to the carrying out by the Developer of Development on the Development Site,
- requires the developer to provide the Development Contribution;
- is to be registered on the title to the Development Site;
- imposes restrictions on the Parties assigning an interest under the agreement,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation;
- provides that the agreement is governed by the law of New South Wales.

Assessment of the Merits of the Planning Agreement

The Planning Purposes Served by the Planning Agreement

The draft Planning Agreement:

- promotes and co-ordinates of the orderly and economic use and development of the land to which the agreement applies;
- addresses the need for waste and resource recovery infrastructure to meet the projected demand associated with future development activities within the Aerotropolis and surrounding areas;
- provides an environmentally beneficial means of dealing with non-putrescible solid wastes by recycling waste received, contributing to meeting of NSW government recycling targets;
- provides ongoing employment of about 70 people (FTE) once at full production; and
- facilitates the money for the public purposes.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the Public Interest by addressing and promoting the objects of the Act as set out in s1.3.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

In accordance with section 7 of the Local Government Act 1993, the Planning Agreement

- facilitates engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government; and
- promotes a system of local government that is accountable to the community and that is sustainable, flexible and effective.

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The Draft Planning Agreement promotes the elements of the Council's charter (now s8 of the Local Government Act 1993) by:

- providing value for residents and ratepayers;
- gives councils the ability to provide goods, services and facilities and to carry out activities, appropriate to the current and future needs of local communities and the wider public; and
- is consistent with the principle of ecologically sustainable development.

All Planning Authorities – Whether the Draft Planning Agreement conforms with the Authority's Capital Works Program

N/A

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The draft Planning Agreement requires:

- (a) the registration of the planning approval on the title of the Development Site to be within 6 months of the agreement commencing;
- (b) the Development Contribution to be paid before any construction certificate is issued for the Development.