
SCHEDULE 10: THE EXPLANATORY NOTE

Explanatory Note under section 205 of the *Environmental Planning & Assessment Regulation 2021*

Exhibition of draft Voluntary Planning Agreement

Lots 1, 2, 3, 4, 5, 7, 8 & 9 in Deposited Plan 456946;
Lots 54, 55, 69, 70 & 71 in Deposited Plan 975994; and
Lot 1 in Deposited Plan 1206034

known as Regrowth, 464 Cessnock Road, Gillieston Heights, NSW, 2321.

Planning Agreement

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**the Act**).

This Explanatory Note has been prepared jointly between the parties as required by section 205 of the *Environmental Planning and Assessment Regulation 2021* (**the Regulations**).

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

Parties

Dowmere Pty Ltd and McCloy Loxford Pty Ltd (**Developer**) have made an offer to Maitland City Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Development Application relating to the land.

The parties to the Planning Agreement will be the Developer, Council and Hydro Aluminium Kurri Kurri Pty Ltd, ACN 093 266 221, which owns the land to which the Planning Agreement relates (**Landowner**).

Description of subject land

The land to which the Planning Agreement applies is described as 464 Cessnock Road, Gillieston Heights, NSW, 2321 (**the Land**).

Description of the Development Application to which the Planning Agreement applies

The development applications to which the Planning Agreement *relate* are:

- (1) DA 2022/193 for a subdivision creating 342 residential lots and 7 public reserve lots including 8,828m² of land for a district park in relation to the Land, and
- (2) DA 2022/912 for a subdivision creating 224 residential lots and 4 public reserve lots.

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

The Planning Agreement will require the payment of monetary contributions, works and land dedication for public infrastructure and improvements in Gillieston Heights as follows:

- (i) Dedication of 8,828sqm of land and associated embellishment and construction works for a District Park; and
- (ii) \$3,461 per lot created in the Development, for an estimated total of \$1,931,238 for City Wide Road and Traffic Category as listed under the Maitland City Wide Development Contributions Plan in operation at the time the payment is made.

The above contributions are made in connection with a proposed development of the Land.

Assessment of the Merits of the Planning Agreement

How the Planning Agreement Promotes the Objects of the Act and the public interest

The draft Planning Agreement promotes the following objectives of the *Environmental Planning and Assessment Act 1979*:

- the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,
- the orderly and economic use and development of land,
- good design and amenity of the built environment,
- increased opportunity for community participation in environmental planning and assessment.

The draft Planning Agreement promotes the public interest by providing public amenities and public infrastructure improvements in Gillieston Heights.

The Planning Purposes served by the Planning Agreement

The monetary contribution will be used for City Wide Road and Traffic improvements.

The land will be dedicated to increase the size of the existing Council open space by 8,828sqm.

How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council's Charter (now section 8A)

By enabling Council to provide public infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of councils, set out in section 8A of the *Local Government Act 1993*:

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Whether the Planning Agreement conforms with the Council's Capital Works Program

The Planning Agreement is satisfactory having regard to Council's Capital Works Program ('CWP') by the construction of additional public amenities. These public improvements are outside of the scope of Council's immediate Capital Works Program but have been necessitated by the development and their cost will be borne by the Developer. As the public improvements will have a nil net cost to Council and align with strategic objectives for Gillieston Heights, the proposed improvements are considered to generally conform with the intent of Council's Capital Works Program.

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

The Planning Agreement requires the following:

- The Developer is to pay monetary contributions prior to the release of Subdivision Certificates relating to DA 2022/193 & DA2022/912;
- Works are to be completed in stages prior to the issue of Subdivision Certificates for the stage, and land is to be dedicated prior to the release of the last Subdivision Certificate for the last Stage.