

Explanatory Note

Draft Planning Agreement for Development Application 0505/2010 – 55 Lot Subdivision, Lot 65 DP 1144928, Hills Plain, Tamworth

Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed draft planning agreement (the "**Planning Agreement**") prepared under section 93F of the *Environmental Planning and Assessment Act 1979* (the "**Act**").

This Explanatory Note relates to the Planning Agreement proposed to be entered into by the parties described below in respect of land at Hills Plain, in the Local Government Area of Tamworth Regional Council.

Parties to the Draft Planning Agreement

The parties to the Planning Agreement are Marloelle Pty Ltd (the "**Developer**") and the Minister for Planning (the "**Minister**").

The Developer has made an offer to the Minister to enter into the Planning Agreement to ensure that satisfactory State infrastructure is available to serve the proposed development.

Description of the Subject Land

The land to which the Planning Agreement applies is located at Hills Plain, in the Local Government Area of Tamworth Regional Council. The Planning Agreement applies to the following land (the "**Land**"):

- Lot 65 Deposited Plan 1144928

Description of the Development Application

The Developer proposes a 55 lot residential subdivision of the Land ("**Development**").

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

The Planning Agreement provides that the Owner will provide a contribution towards regional infrastructure which will be required as a consequence of the Development of \$1000 per residential lot (or \$667 for each residential lot created before 30 June 2011), on the terms of the Planning Agreement ("**the Contribution**"). It is intended that these funds will contribute towards regional roads serving the Development.

The objective of the Planning Agreement is to facilitate the payment of the Contribution to the Minister. The Planning Agreement requires the Contribution to be paid within 10 business days of the date of the Planning Agreement. The Developer will be granted a credit of \$333 for each residential lot that is created prior to 30 June 2011. The credit may only be used against contributions towards State infrastructure which the Developer may be required to pay in the future in connection with other developments within the Hills Plains Release Area.

The Planning Agreement once executed will allow the Director General of Planning to determine whether satisfactory arrangements for State public infrastructure have been made.

Clause 55 of the *Tamworth Local Environmental Plan 1996* provides that Tamworth Regional Council (as the relevant consent authority) cannot grant consent for the Development Application unless the Director-General has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.

Assessment of the Merits of the Draft Planning Agreement

The Planning Agreement promotes the public interest by making provision for the Owner to make contributions towards regional infrastructure.

By requiring the Owner who will benefit from the development, to make contributions towards regional infrastructure, the orderly and economic use and development of land is promoted by the Planning Agreement.

The Planning Agreement serves the planning purpose of timely provision of infrastructure by recouping some of the costs of providing regional infrastructure.

No relevant capital works program by the Minister is associated with this agreement.

Promotion of the Objects of the Act

By providing contributions towards the provision of regional infrastructure, the Planning Agreement promotes the following object of the Act:

- the promotion and co-ordination of the orderly and economic use and development of land.

The contributions made under the Planning Agreement will promote this object by allowing regional roads serving the Development to be appropriately developed.

Interpretation of Planning Agreement

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