

## Explanatory Note

### Proposed Deed of Variation to Planning Agreement for Development Application 0100/2011 – 124 Residential Lot Subdivision and Open Space, Lot 421 DP 1142307, Moore Creek Road, Hills Plain, Tamworth

#### Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed Deed of Variation (the “**Deed of Variation**”) to the existing 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 Deed of Variation 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 Proposed Deed of Variation and Existing Planning Agreement

The parties to the Deed of Variation and the Planning Agreement are The Meadows Tamworth Pty Ltd (the “**Developer**”) and the Minister for Planning and Infrastructure (the “**Minister**”).

The Developer has entered into the Planning Agreement to ensure that satisfactory State infrastructure is available to serve the proposed development. The planning agreement was executed by the parties on 16 February 2011.

#### Description of the Subject Land

The land to which the Deed of Variation and Planning Agreement applies is located at Moore Creek Road, Hills Plain, in the Local Government Area of Tamworth Regional Council. The Planning Agreement applies to the following land (the “**Land**”):

- Lot 421 Deposited Plan 1142307

#### Description of the Development Application

The Developer is undertaking a 124 Residential Lot subdivision and Open Space of the Land (“**Development**”).

#### Summary of Objectives, Nature and Effect of the Planning Agreement and Deed of Variation

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 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 Deed of Variation is to vary the Planning Agreement between the parties to amend the required contribution to \$667 for each residential lot which is paid before 30 June 2011.

The Planning Agreement requires the Contribution be paid within 10 business days of the date of the Planning Agreement.

Nothing in the Planning Agreement specifies that certain requirements are required to be complied with in order to permit the issue of a Construction Certificate, Occupation Certificate or Subdivision Certificate in relation to the development.

## **Assessment of the Merits of the Planning Agreement and Deed of Variation**

The Planning Agreement and Deed of Variation promote 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 and related Deed of Variation.

The Planning Agreement and Deed of Variation serve 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 and Deed of Variation promote 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 and Deed of Variation.