

# Planning Agreement

## Minister for Planning and Infrastructure and Huntlee Pty Ltd

### Explanatory Note

#### Introduction

The purpose of this explanatory note is to provide a plain English summary of the executed planning agreement (the "**Planning Agreement**") prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the "**Act**").

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the "**Regulation**").

#### Parties to the Planning Agreement

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

The Developer made an offer to enter into the Planning Agreement in connection with a transitional Part 3A project application ("the **Stage 1 Application**") for subdivision and associated infrastructure works for Stage 1 of the Huntlee development.

An Environmental Assessment Report for the Stage 1 Application prepared on behalf of Huntlee Pty Ltd was publicly exhibited from 16 March to 18 April 2011. A copy can be found at <http://majorprojects.planning.nsw.gov.au>.

A Preferred Project Report prepared on behalf of the Developer was publicly exhibited from 3 October 2012 to 2 November 2012 and detailed proposed changes to the exhibited Stage 1 Application. A copy can be found at <http://majorprojects.planning.nsw.gov.au>.

The Department's assessment report was forwarded to the Planning Assessment Commission (PAC) for determination.

The Planning Assessment Commission made a determination on 24 April 2013 which can be read on their website: [www.pac.nsw.gov.au](http://www.pac.nsw.gov.au).

#### Description of the Subject Land

The Planning Agreement applies to those parts of the land the details for which are set out in Schedule 2 of the Planning Agreement.

#### Description of the Stage 1 Application

The Developer sought approval for subdivision and associated infrastructure works for Stage 1 of the Huntlee site as identified in the Preferred Project Report including:

- Subdivision for the first residential village (Village 1) to accommodate up to 1186 developable lots accommodating 1429 dwellings, open space and community facilities;
- Superlot subdivision for the first component of the Town Centre employment area into 8 lots (57.45ha);
- Subdivision for the first Town Centre residential development (Entry Village) including up to 215 developable lots to accommodate up to 253 dwellings;
- Superlot subdivision to create 6 additional lots to provide for future re-subdivision pending the resolution of land tenure arrangements;
- Subdivision for up to 120 large lot residential lots on land to the south on Wine Country Drive; and
- Construction of associated physical infrastructure (both on and off site) including:
  - Bulk earthworks;
  - road works and associated intersections;

- stormwater management; and
- water supply and sewerage.
- Construction associated with landscaping and embellishment of open space/recreation facilities will be the subject of future development applications including car parks, playground equipment, lighting and furniture, kiosks etc.

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

The Planning Agreement provides that the Developer will make various contributions towards designated State infrastructure, comprising the following:

- Transfer of approximately 3 hectares of land for the purpose of a primary school to be dedicated prior to issue of a subdivision certificate for land on which the 800<sup>th</sup> dwelling is to be developed.
- A contribution of \$105,340 per net developable hectare (as adjusted for CPI) towards regional road infrastructure or alternatively works-in-kind to Wine Country Drive.

The Planning Agreement contains a schedule (being Schedule 4) setting out the timing for delivery of the Developer's Contributions. The objective of the Planning Agreement is to facilitate the delivery of the Developer's Contributions.

## **Assessment of Merits of Planning Agreement**

### **The Planning Purpose of the Planning Agreement**

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- The provision of public amenities or public services; and
- The provision of transport infrastructure relating to the land.

The Minister for Planning and Infrastructure and the Developer have assessed the Planning Agreement and 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 the Development Contributions will assist the Government in providing infrastructure needed to accommodate future housing and growth in the region as anticipated by the Lower Hunter Regional Strategy.

### **How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by committing the Developer to make contributions towards State infrastructure.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the following objects of the Act:

- The proper management and development of towns and villages for the purpose of promoting the social and economic welfare of the community.
- The promotion and co-ordination of the orderly and economic use and development of land; and
- The provision of land for public purposes.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to provide the items set out in this explanatory note under the heading "*Summary of Objectives, Nature and Effect of the Planning Agreement*" for the purposes of providing State transport infrastructure and education facilities.

This purpose represents an important public benefit, and the Developer's offer to contribute towards this purpose will have a positive impact on the public who use the infrastructure and services to which these purposes relate.

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

The Planning Agreement requires the Developer to provide the Regional Road Contributions (calculated on a Net Developable Area basis) prior to the issue of a subdivision certificate for that part of the land subject of that subdivision certificate. Further, the transfer of the Education Contribution Land must be transferred or dedicated prior to the issue of a Subdivision Certificate in respect of that part of the Land comprising the 800<sup>th</sup> dwelling that is to be developed as part of Stage 1.

The Road Improvement Works are to be completed in stages and for each stage, prior to the Subdivision Certificate issued for the relevant number of dwellings as identified in Annexure F to the Planning Agreement.

**Interpretation of Planning Agreement**

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