

Explanatory Note

Minister administering the *Environmental Planning and Assessment Act 1979*
(ABN 20 770 707 468)

and

McCloy Loxford Land Pty Ltd (ACN 624 968 092)

and

Dowmere Pty Ltd (ACN 002 160 152)

Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and the following **Developer** entities:

- McCloy Loxford Land Pty Ltd (ACN 624 968 092); and
- Dowmere Pty Ltd (ACN 002 160 152).

Description of the Subject Land

The Planning Agreement applies to the **Subject Land**, being:

- Lot 1 in DP456946;
- Lot 2 in DP456946;
- Lot 3 in DP456946;
- Lot 4 in DP456946;
- Lot 5 in DP456946;
- Lot 7 in DP456946;
- Lot 8 in DP456946;
- Lot 9 in DP456946;

- Lot 10 in DP456946;
- Lot 11 in DP456946;
- Lot 54 in DP975994;
- Lot 55 in DP975994;
- Lot 69 in DP975994;
- Lot 70 in DP975994;
- Lot 71 in DP975994; and
- Lot 1 in DP1206034.

The Subject Land is located at Cessnock Road, Gillieston Heights.

Description of the Proposed Development

- (a) The Developer proposes to develop part of the Subject Land in 17 stages into approximately 342 residential lots, three (3) residue lots and seven (7) public reserve lots and other works including:
- (i) construction of roads and footpaths;
 - (ii) construction of signalised interchanges;
 - (iii) clearing of vegetation;
 - (iv) bulk earthworks and benching;
 - (v) provision of underground water, wastewater, electrical and telecommunication services and easements;
 - (vi) construction of an acoustic wall along Cessnock Road; and
 - (vii) landscaping,
- on the Subject Land generally in accordance with DA2022/193 lodged with Maitland City Council; and
- (b) subdivision of the remainder of the Subject Land into approximately 49 residential lots as part of an exhibition village, and the construction of a two storey dwelling house (with an office, meeting rooms and public toilets) for temporary use as a sales office for the exhibition village and a café in accordance with DA2022/496 lodged with Maitland City Council,

(Proposed Development).

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make the following **Development Contribution** at the times provided:

Development Contribution	Timing
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Pay a monetary contribution of \$91,250 per hectare of net developable area (subject to indexation in accordance with the Planning Agreement) to contribute to the provision of designated State public infrastructure in relation to the Subject Land.	An instalment of the monetary contribution is payable prior to the issue of the relevant subdivision certificate for the Proposed Development.
Carry out and complete works to upgrade an intersection along Main Road 195 in accordance with any Development Consent granted to DA2022/193, and as generally shown on the Main Road 195 Works Plan at the end of this explanatory note (Main Road 195 Works).	Prior to the issue of the first subdivision certificate for the Proposed Development.
Dedicate a minimum of 4,355 square metres of land (for the purposes of widening Main Road 195) to be used as a public road, generally as identified on the Main Road 195 Land Plan at the end of this explanatory note (Main Road 195 Land).	Prior to the issue of the first subdivision certificate for the Proposed Development.

The Developer is required to provide the following bank guarantees as security for the following obligations:

Bank guarantee (amount)	Secured obligation
\$200,000	All obligations imposed on the Developer under the Planning Agreement.
\$2,015,375	The obligation to deliver the Main Road 195 Works under the Planning Agreement.

The Planning Agreement provides the circumstances in which the security above could be returned or replaced with security of a lesser value.

The Planning Agreement will be registered on the titles to the Subject Land.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contribution towards the provision of designated State public infrastructure in relation to the Subject Land.

Assessment of Merits of Planning Agreement

The Planning Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister 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 it will ensure that the Developer makes an appropriate contribution towards the provision of infrastructure, facilities and services.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who ultimately use it.

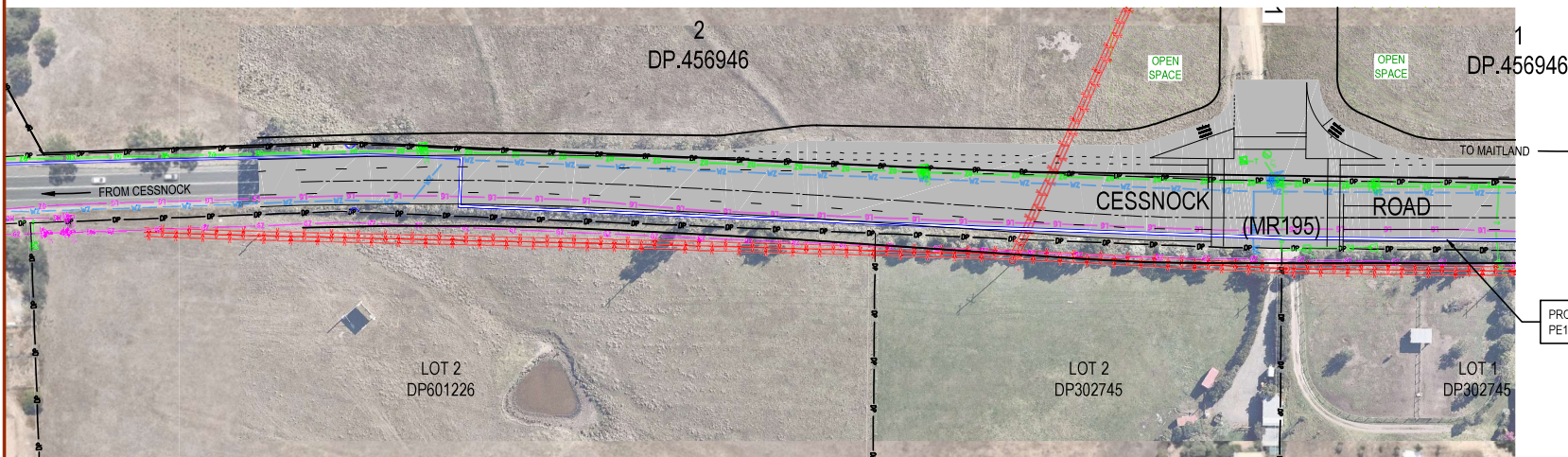
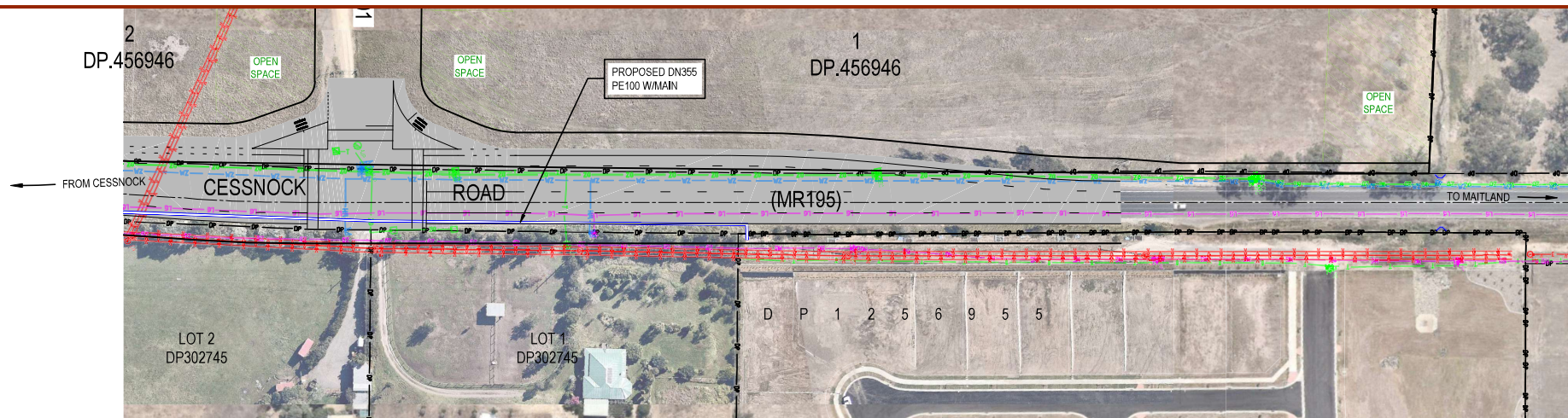
Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or an occupation certificate.

The Planning Agreement requires the Development Contribution to be provided prior to the issue of the relevant subdivision certificate for the Proposed Development and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

Main Road 195 Works Plan and Main Road 195 Land Plan

See below.



PROPOSED DN355
PE100 W/MAN

- BOUNDARIES**
- DP OVERLAY (ACCURACY 0.1m) (BO)
- COMMUNICATIONS**
- ABOVE GROUND JOINING POST (PTJP)
 - OPTICAL FIBRE - DIGITISED (OZ)
 - OPTICAL FIBRE - UNDERGROUND (OU)
 - OPTICAL FIBRE CABLE MARKER (POFM)
 - OPTICAL FIBRE CONDUIT (OD)
 - OPTICAL FIBRE PIT (POFP)
 - STD 1.1m BY 1.1m MAIN PIT (PTMP)
 - TELEPHONE BOX POINT (PTBX)
 - TELEPHONE CABLE MARKER (PTCM)
 - TELEPHONE DISTRIBUTION PILLAR (PTDP)
 - TELEPHONE LINE (TN)
 - TELEPHONE SINGLE CONCRETE PIT (PTSP)
 - TELEPHONE TWIN CONCRETE PIT (PTTP)

- DRAINAGE**
- DRAIN - TABLE DRAIN (DT)
 - HEADWALL BOTTOM (HB)
 - HEADWALL TOP (HW)
- ELECTRICAL**
- LINE - MAJOR TRANSMISSION (UE)
 - LINE - MINOR TRANSMISSION (UL)
 - POLE - LIGHT (PLPL)
 - POLE - POWER (PPPL)
 - POLE - POWER AND LIGHT (PPLP)
 - POLE - POWER AND TRANSFORMER (PPTR)

- GAS**
- MAIN - LOW PRESSURE (LG)
 - MAIN - HIGH PRESSURE PIPELINE (HG)
 - MAIN - DIGITISED (ZG)
 - HOUSE CONNECTION (DG)
 - METER (PGMR)
 - PIPELINE MARKER (PGPM)
 - PIPELINE MARKER - HIGH PRESSURE (PGHM)
 - VALVE BOX (PGAS)

- WATER**
- AIR VALUE (PWAV)
 - HOUSE CONNECTION (WY)
 - HYDRANT (PWHY)
 - MAIN (WM)
 - MAIN - DIGITISED (WZ)
 - MAIN MARKER (PWWM)
 - METER (PWMR)
 - STOP VALVE (PWSV)
 - TAP (PWTP)
 - PROPOSED WATERMAIN

INTERSECTION DESIGN PARAMETERS

- DESIGN SPEED : 90km/hr
- LANE WIDTHS : 3.5m
- CYCLE LANE/SHOULDER : 2.0m
- VERGE WIDTHS : 4.5m
- MINIMUM MEDIAN WIDTHS : 1.5m
- STORAGE LENGTHS AS SPECIFIED WITHIN HYDER REPORT
- "HYDRO REDEVELOPMENT AT KURRI KURRI - TRAFFIC & TRANSPORT STUDY" - MARCH 2015

ver.	date	comment	drawn	pm	level information	scale (A3 original size)	notes
A	05.08.21	INITIAL VPA PLANS	RC	RK	DATUM: N/A CONTOUR INTERVAL: N/A	0 30 60 75m SCALE: 1:1500	

• project management • civil engineering • infrastructure • superintendency • social impact • town planning • surveying • development feasibility • visualisation • urban design

drawing title:

CONCEPT INTERSECTION LAYOUT

location: CESSNOCK RD,
GILLISTON HEIGHTS

council: MAITLAND CITY COUNCIL

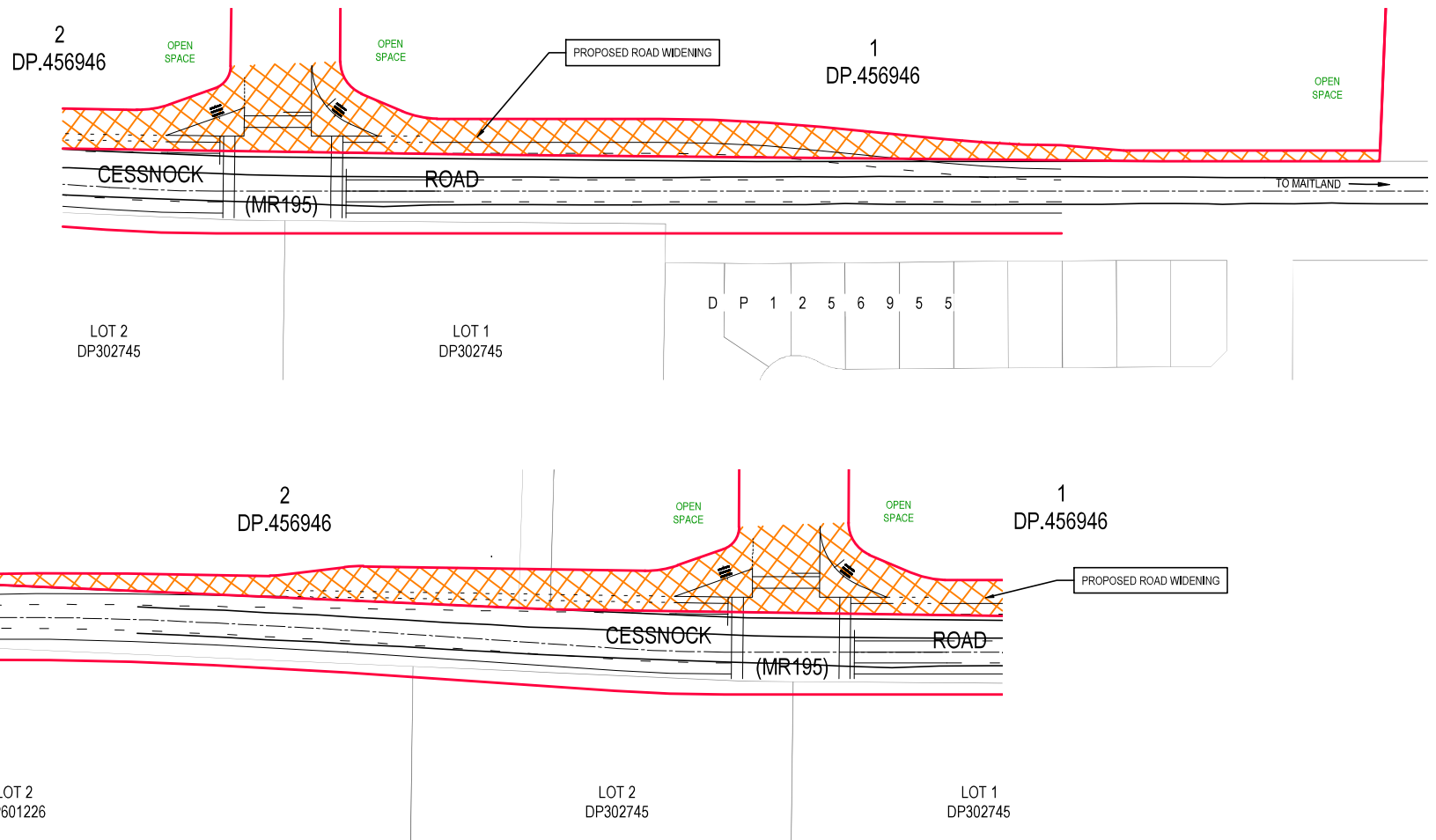
dwg ref: 239836(2)-ESK-052

client:



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hunter office ph: (02) 4978 5100
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drawing title:	
INTERSECTION ROAD WIDENING DEDICATION	
location:	CESSNOCK RD, GILLIESTON HEIGHTS
council:	MAITLAND CITY COUNCIL
dwg ref:	239836(2)-ESK-054
client:	 
central coast office	ph: (02) 4305 4300
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