

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
ABL Property Pty Ltd (ACN 166 298 666) in its capacity as trustee of ABL Thornton Trust
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**) ABL Property Pty Ltd (ACN 166 298 666) in its capacity as trustee of ABL Thornton Trust (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 9 in Deposited Plan 1194419 known as 311 Government Road, Thornton 2322 NSW (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into approximately eighteen (18) residential lots and associated infrastructure, generally in accordance with DA/2021/1695 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 a monetary contribution of \$9,931.38 (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of *Maitland Local Environmental Plan 2011*(**LEP**).

The Development Contribution will be payable on execution of the Planning Agreement in accordance with clause 4 of the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred to in clause 6.1 of the LEP.

The Developer has previously obtained development consent for the subdivision of the Land into 20 residential lots in accordance with DA 08-795. The Developer has made a development contribution in connection with those 20 residential lots. The Developer did not proceed with carrying out the subdivision of the Land in accordance with DA08-795. Accordingly, the Minister agrees to consider the development contribution made by the Developer in connection with the proposed development under DA 08-795 when determining the Development Contribution.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public 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 both 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 will 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, a subdivision certificate or an occupation certificate.