

Explanatory Note

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

Lochinvar Land Pty Limited (ACN 656 139 276)

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.

Words which are capitalised in this explanatory note but are not defined take on the meaning given to those words in the Planning Agreement.

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 Lochinvar Land Pty Limited (ACN 656 139 276) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to the following parcels of land (the **Subject Land**):

- Lot 2 in Deposited Plan 747391
- Lot 3 in Deposited Plan 747391
- Lot 4 in Deposited Plan 747391
- Lot 5 in Deposited Plan 747391
- Lot 6 in Deposited Plan 747391
- Lot 9 in Deposited Plan 747391
- Lot 12 in Deposited Plan 1219648
- Lot 13 in Deposited Plan 1219648.

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land to create approximately 256 residential lots and construct associated infrastructure, generally in accordance with Development Application DA/2023/415 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 is to do the following by the times specified in the table (**Development Contribution**):

Development Contribution	Timing
To dedicate 1,939 square metres of land shown in hatching and marked as 'AURA ROAD WIDENING 1939m ² ' on the Land Dedication Plan at Schedule 7 to the Planning Agreement (a copy of which is annexed to this explanatory note), to the Roads Authority for the purpose of widening Wyndella Road, Lochinvar.	<p>The earlier of:</p> <ul style="list-style-type: none"> the issue of the Subdivision Certificate for the 1st lot in the Proposed Development; and (practical) completion of all necessary works to upgrade the intersection at Wyndella Road, Springfield Drive and New England Highway, Lochinvar in accordance with any deed or agreement between the Roads Authority and a developer regarding such upgrade.
Where required, to pay an amount of money, at the rate of \$101,578 per hectare of Net Developable Area, subject to indexation in accordance with the Planning Agreement, towards providing designated State public infrastructure within the meaning of clause 6.1 of the <i>Maitland Local Environmental Plan 2011 (LEP)</i> (Contribution Amount).	Prior to the issue of each relevant Subdivision Certificate for the Proposed Development.

The Developer is required to provide security in accordance with Schedule 5 to 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.

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

Assessment of the 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 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 the Planning Agreement 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 infrastructure, facilities and services will have a positive impact on the public who will ultimately use those infrastructure, facilities or services.

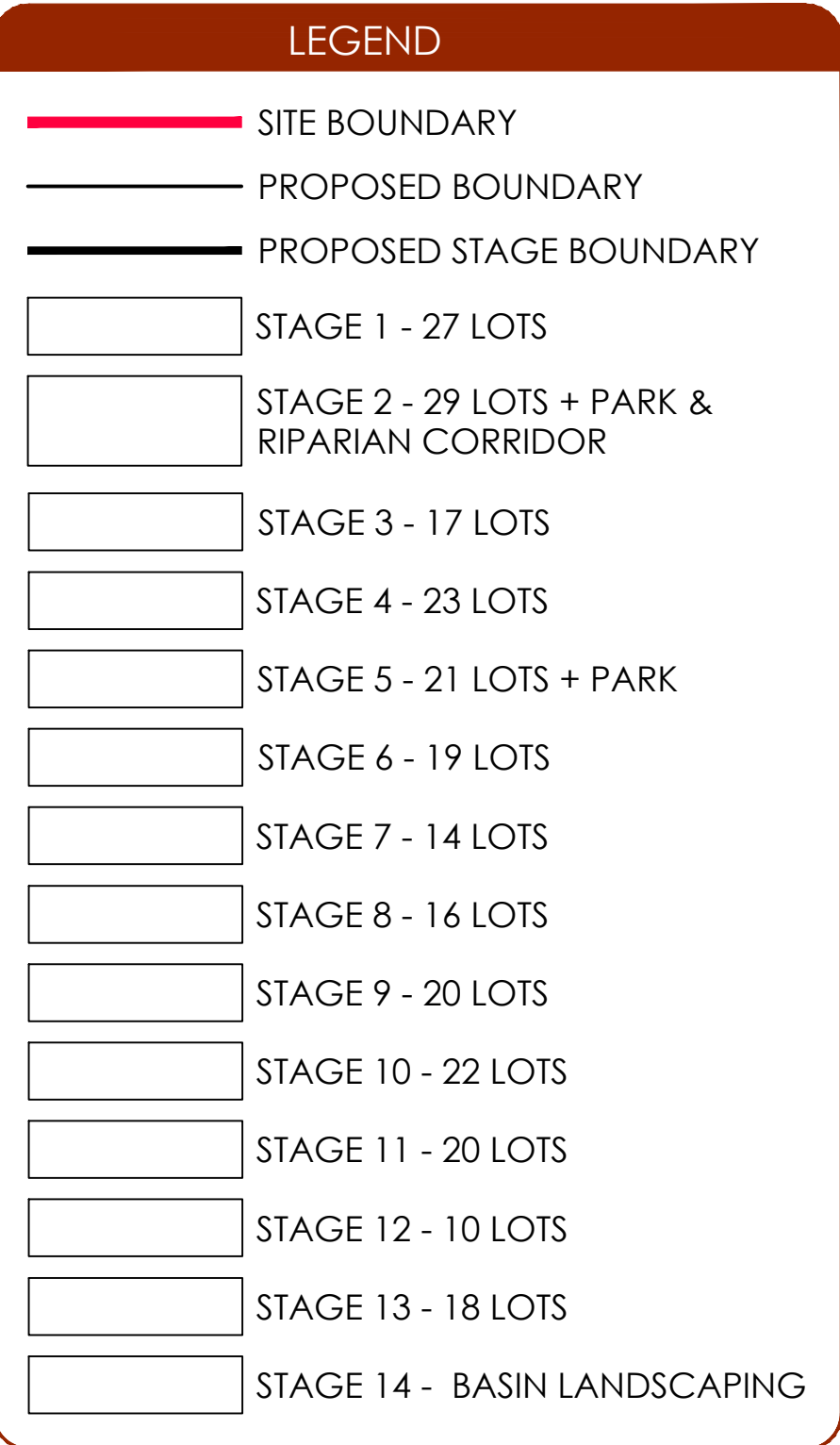
Requirements relating to Construction, Occupation and Subdivision Certificate

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 a Contribution Amount to be provided prior to the issue of the relevant Subdivision Certificate and therefore contains a restriction on the issue of the relevant Subdivision Certificate within the meaning of section 6.15(1)(d) of the Act.

Annexure – Land Dedication Plan

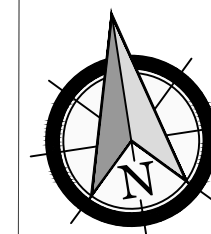
Please see below.



drawing title:	
<h1>PROPOSED SUBDIVISION PLAN STAGING</h1>	
location:	<p>NEW ENGLAND HWY & WYNDELLA ROAD, LOCHINVAR</p>
council:	MAITLAND CITY COUNCIL
dwg ref:	240332-MPBW-005-T
client:	 
<p>central coast office hunter office sydney office</p>	<p>ph: (02) 4305 4300 ph: (02) 4978 5100 ph: (02) 8046 7411</p>
www.adwjohnson.com.au	

2
DP818314

1
DP65706



227
DP246447

FUTURE ROAD
WIDENING

226
DP246447

ROAD

WYNDELLA

225
DP246447

drawing title:

PROPOSED SUBDIVISION PLAN DETAIL SHEET

location: NEW ENGLAND
HIGHWAY, LOCHINVAR

council: MAITLAND CITY COUNCIL

dwg ref: 240332-MPBW-005-T

client:

CPG ESTATES



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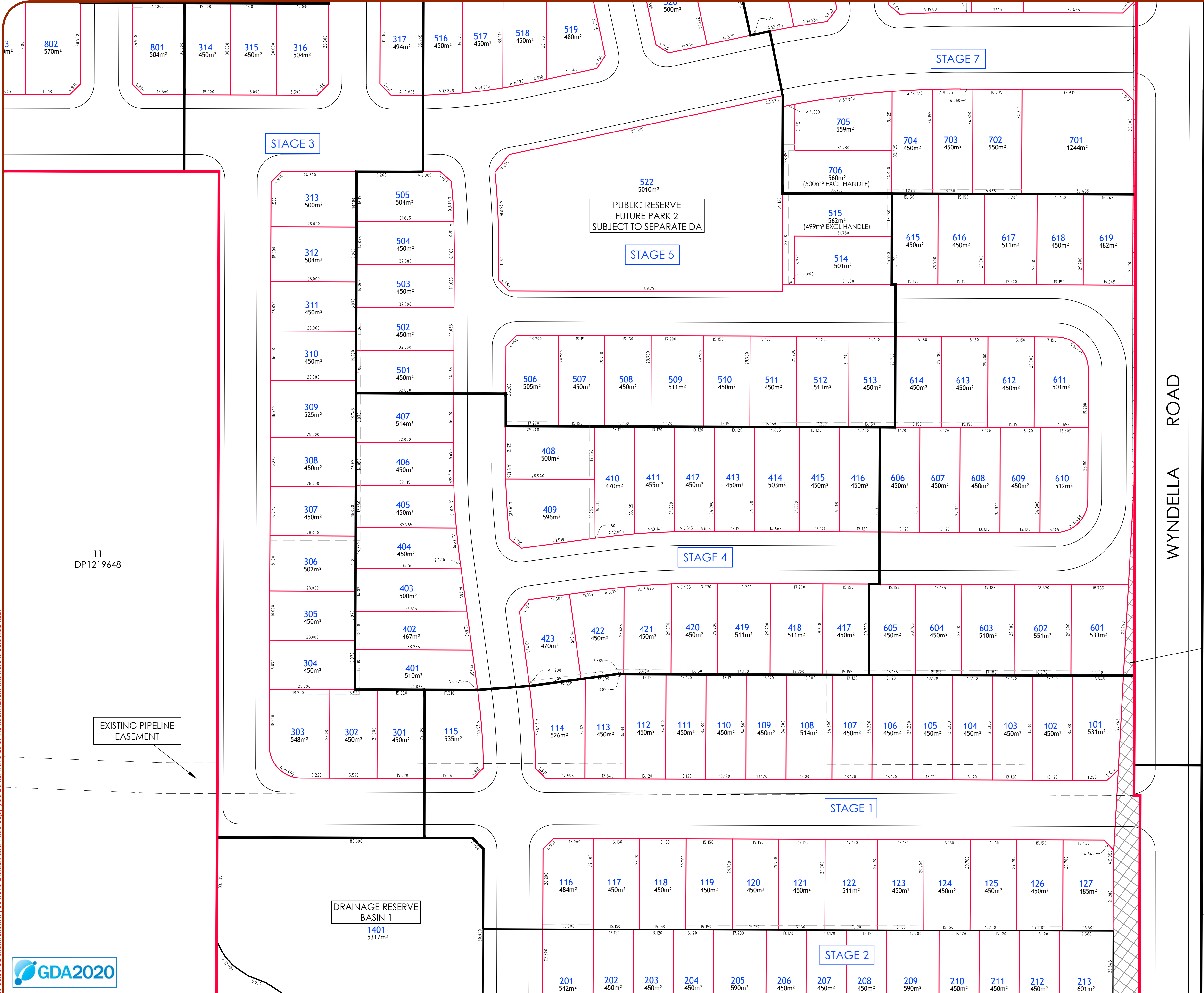
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T	17/12/2024	UPDATE LOTS AND STAGES	RC	ML	CO-ORDINATE SYSTEM: MGA56	DATUM: N/A CONTOUR INTERVAL: N/A	0 15.0 30.0m SCALE: 1:600 (FULL)	

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

SHEET 2 OF 4

240332-MPBW-005-T

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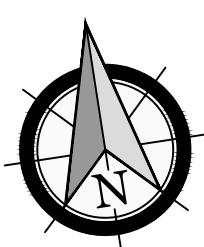


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AURA
ROAD WIDENING
1939m²



ver.	date	comment	drawn	pm	co-ordinate information	level information	scale (At original size)	notes	SHEET 3 OF 4	
T	17/12/2024	UPDATE LOTS AND STAGES	RC	ML	CO-ORDINATE SYSTEM: MGA56	DATUM: N/A CONTOUR INTERVAL: N/A	0 15.0 30.0m SCALE: 1:600 (FULL)			

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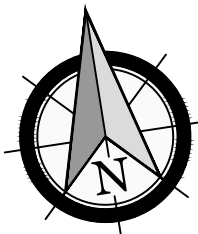
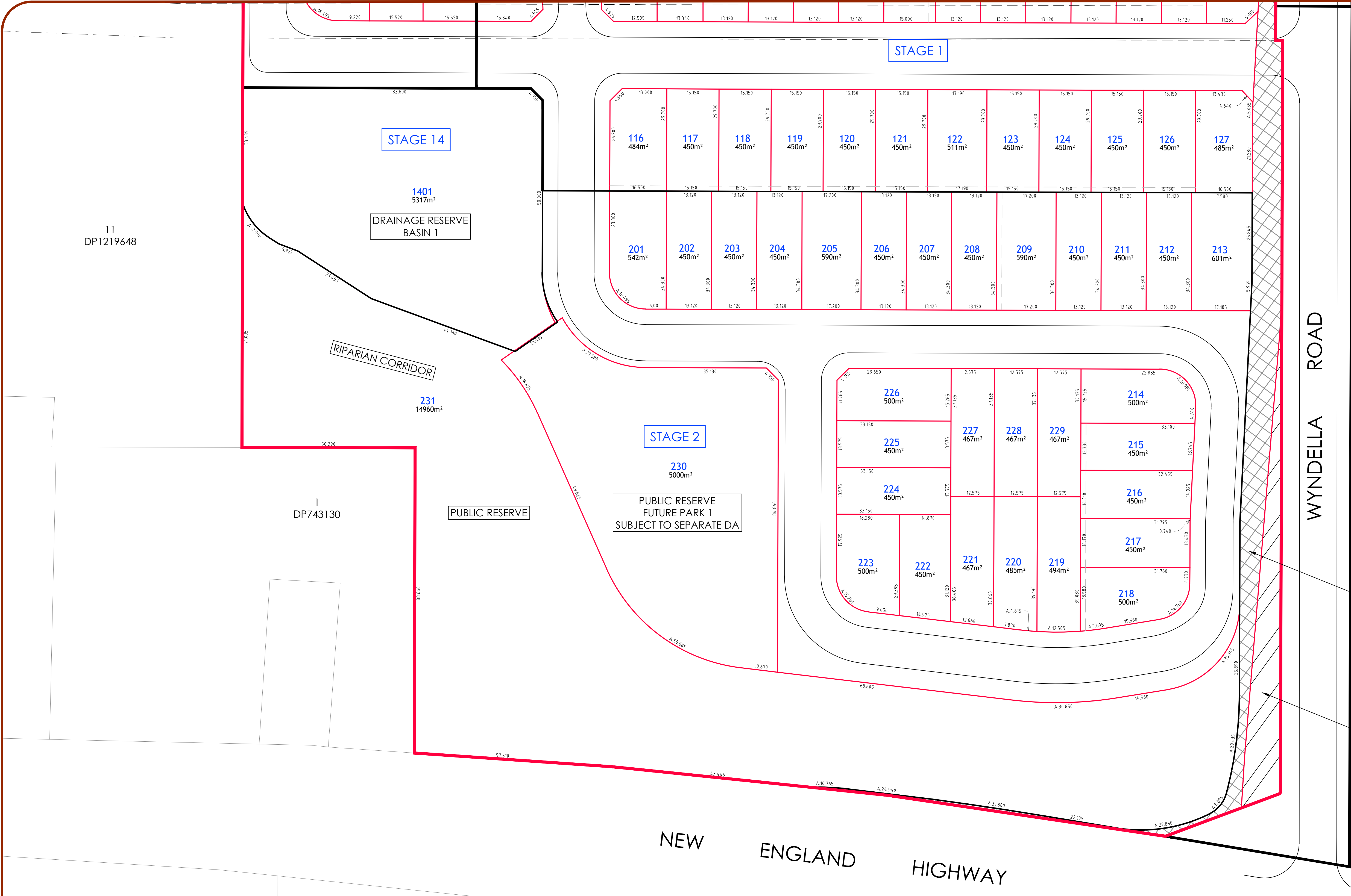
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• urban design



224
DP246447

223
DP246447

AURA
ROAD WIDENING
1939m²

LURA
ROAD WIDENING
820.7m²

drawing title:
PROPOSED SUBDIVISION
PLAN
DETAIL SHEET

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dwg ref: 240332-MPBW-005-T

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