

**Explanatory Note**  
**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)**  
**and**  
**Mach Management Pty Ltd (ACN 651 933 792)**  
**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 Mach Management Pty Ltd (ACN 651 933 792) (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lot 1 in Deposited Plan 574816 and Lot 1 Deposited Plan 505954 known as 393 and 409 John Oxley Drive, Thrumster 2444 (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to demolish an existing dwelling and shed, subdivide the Subject Land into approximately forty-five (45) vacant residential lots, one (1) public reserve lot, and one (1) lot containing an existing dwelling, and the installation of associated public infrastructure services and roads, generally in accordance with the plan annexed at the end of this explanatory note and Development Application DA/2023/416 lodged with Port Macquarie-Hastings Council (**Proposed Development**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

An indicative plan of the Proposed Development is at the end of this explanatory note.

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

The Planning Agreement provides that the Developer will make a monetary contribution of \$1,715 per residential lot (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 *Port Macquarie-Hastings 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.

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.

Services shown on plans are indicative only and do not constitute a guarantee of service. Current Dial Before You Dig and confirm location and level of any services prior to commencing any work. We warrant that our services are performed in a professional and diligent manner and that we will maintain safe work distances to services and marking the presence of any underground services.

Legend:

- Design Contour Major
- Design Contour Minor
- Proposed Boundary
- Proposed Building Envelope
- Asset Protection Zone (APZ)
- Proposed SE Kerb
- Proposed SW Kerb
- Proposed Raising Wall
- Barrier Ticks

Project:		Client:		Title:		Time:	
Michael Kemp		John Oxley Drive Thurston Proposed Subdivision		Lot Details Layout Plan		ARDILL PAYNE ENGINEERS PLANNERS SURVYORS ENVIRONMENTAL PROJECT MANAGEMENT 10/100 BROADWAY MILLERS A.N.S. 15 880 630 937 www.ardillpayne.com.au	
A. 09/06/2023		Original Issue		Date		Description	
A. 09/06/2023		Approved		Date		Description	
A. 09/06/2023		Checked		Date		Description	
A. 09/06/2023		Drawn		Date		Description	
A. 09/06/2023		Scale		Date		Description	
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