

**Explanatory Note**  
**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)**  
**and**  
**UPG 257 Pty Ltd (ACN 650 479 342)**

**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 UPG 257 Pty Ltd (ACN 650 479 342) (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lot 23 in Deposited Plan 701849 known as 176 Wollombi Road, Farley 2320 (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to subdivide the Subject Land into approximately 30 residential lots across two stages, construction of three (3) public roads, tree removal, stormwater drainage and other associated works generally in accordance with the plan annexed at the end of this explanatory note and DA/2022/1094 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.

The stormwater drainage works proposed under DA/2022/1094 are to be carried out on land adjoining the Subject Land. For avoidance of doubt, the Planning Agreement will not apply to this part of 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 \$97,889 per hectare of net developable area (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**). This clause, despite its repeal, continues to apply to DA/2022/1094 by virtue of clause 4 of *State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023*.

An instalment of the Development Contribution will be payable prior to the issue of each relevant subdivision certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide \$20,000 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 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 or an occupation certificate.

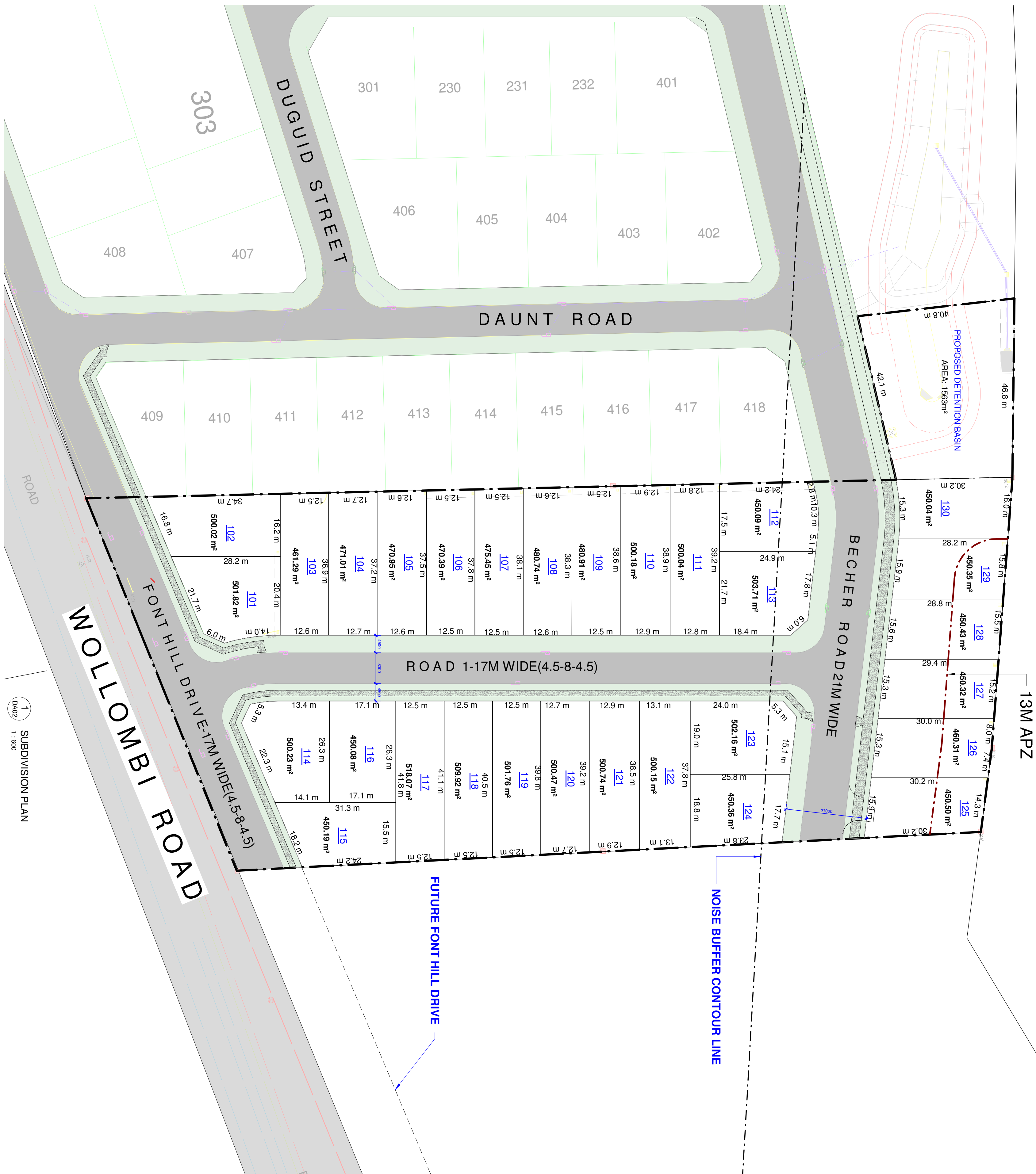
The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

### **Indicative Plan of the Proposed Development**

See following page.

PROPOSED LOT SUMMARY		
LOT FRONTAGE	LOT SIZE	NO. OF LOTS
12.5M, -21.0M,	450m2-550m2	30
TOTAL LOTS=30		

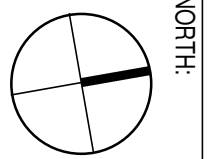
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3	13/09/2023	BASIN AREA ADDED	JM
2	7/09/2023	AMENDED AS PER ENGINEERING PLAN	JM
1	13/09/2022	ISSUED FOR DA APPLICATION	JP
REV	DATE	DESCRIPTION	BY

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FARLEY 2320

**LOT 23 DP 701849**

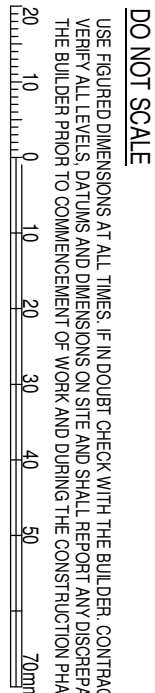
**SUBDIVISION PLAN**

PROJECT No.	DATE:	DRAWING No.		REV.	3
DRAWN BY:	JUL Y 2022	DA02	ISSUED BY:	JM	
SS	SCALE:				

Z:\Projects- Current\Wolomb\ Road 176 Farley\03  
DA\ARCHITECTURAL\REVIT\PROJECT\103\176 Wolomb\ Road Farley, DA

**DO NOT SCALE**

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DA ISSUE